

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LATOYA NEWKIRK,

Plaintiff,

Docket No.

- against -

2:17-cv-02960

COUNTY OF SUFFOLK, CHRISTOPHER A. MCCOY, in his
official and individual capacities, and MARK PAV,
in his official and individual capacities,

Defendants.

-----X

100 Veterans Memorial Highway
Hauppauge, New York

October 8, 2019

10:17 a.m.

DEPOSITION of LATOYA NEWKIRK, Plaintiff,
taken by Defendant, pursuant to Federal Rules of
Civil Procedure, and Notice, held at the above-noted
time and place, before Kyra Kustin, a Stenotype
Reporter and Notary Public within and for the State
of New York.

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A P P E A R A N C E S:

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BY: BRIAN T. EGAN, ESQ.
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BY: BRIAN MITCHELL, ESQ.

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2 F E D E R A L S T I P U L A T I O N S

3

4 IT IS HEREBY STIPULATED AND AGREED by and
5 between the attorneys for the respective parties
6 herein, that the sealing, filing and certification
7 of the within deposition be waived;

8 IT IS FURTHER STIPULATED AND AGREED that all
9 objections, except as to form, are reserved to the
10 time of trial;

11 IT IS FURTHER STIPULATED AND AGREED that the
12 transcript of this deposition may be signed before
13 any Notary Public, with the same force and effect as
14 if signed before a clerk or Judge of the Court;

15 IT IS FURTHER STIPULATED AND AGREED that all
16 rights provided to all parties by the F.R.C.P.
17 cannot be deemed waived, and the appropriate
18 sections of the F.R.C.P. shall be controlling with
19 respect thereto.

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1 LATOYA NEWKIRK

2 (Defendant's Exhibit A was
3 pre-marked for identification.)

4 L A T O Y A N E W K I R K,

5 Plaintiff, having first been duly sworn by
6 the Notary Public, was examined and testified as
7 follows:

8 EXAMINATION

9 BY MR. MITCHELL:

10 Q Good morning, Ms. Newkirk.

11 A Good morning.

12 Q My name is Brian Mitchell. I'm an
13 assistant county attorney here in Suffolk County.
14 I'm going to ask you some questions today about a
15 complaint that you filed against the Suffolk
16 County -- against the county, as well as some
17 members of the Suffolk County police department.
18 Okay?

19 A (The witness gestured.)

20 Q You have to say yes or no.

21 A Yes.

22 Q That's the first ground rule. I was
23 going to say I'm going to go over some ground
24 rules with you. Okay?

25 A Yes.

1 LATOYA NEWKIRK

2 Q That's a yes or no. Okay. The first
3 ground rule is all your answers have to be
4 verbal. Okay?

5 A Okay.

6 Q So you have to say yes or no, give a
7 full sentence. Basically you can't do nods or
8 gestures. Okay?

9 A Okay.

10 Q Have you ever been deposed before?

11 A No.

12 Q In addition to that first instruction,
13 the other instruction I'll say to you is if I ask
14 you a question and you don't understand it,
15 please let me know and I'll try to rephrase it.
16 Okay?

17 A Yes.

18 Q If I ask you a question and you answer
19 my question, I'm going to presume that you
20 understood it. Okay?

21 A Yes.

22 Q If I ask you a question about some
23 information, the example I use is a doctor's
24 name, and you say I know the doctor's name. I
25 can't remember it today, but I have it written

1 LATOYA NEWKIRK

2 down at home or I have it on a bill or something.

3 Just let us know that. Okay?

4 A Okay.

5 Q Because then what we'll do is at some
6 point you're going to get a copy of this
7 transcript to review with your attorney. We'll
8 leave a blank in the transcript. So between now
9 and then, if you have that name written down,
10 then you fill that in. All right?

11 A Yes.

12 Q I use that as just simply an example.
13 Sometimes it relates to a telephone number.
14 Sometimes it relates to an address, but that's a
15 process we'll do. Okay?

16 A Okay.

17 Q If I ask you a question about something
18 you don't remember and then two or three
19 questions later I somehow -- either I or you
20 somehow jog your memory, it's okay to say, oh,
21 you know something? I remember. It just came to
22 me. I remember that person's name. It's okay to
23 do that.

24 A Okay.

25 Q You can go back -- is what I'm

1 LATOYA NEWKIRK

2 saying -- if something comes back to you. Okay?

3 A All right.

4 Q If you need to take a break, we can
5 take a break at any time for any reason. All I
6 ask is that if there's a question pending --
7 meaning I've asked you a question but you have
8 not answered the question -- that you answer the
9 question, and then we take the break. Okay?

10 A Okay.

11 Q Also, it's human nature, what will
12 happen is I'll start to ask you a question and
13 you will anticipate where I'm going with the
14 question and you will start answering before I'm
15 done asking the question. Okay? If that occurs,
16 what I ask you to do is do the best you can to
17 allow me to finish my question before you answer
18 it. Okay?

19 A Okay.

20 Q And I will do the same. I will
21 endeavor to allow you to finish your answer
22 before I ask another question. Okay?

23 A Yes.

24 Q That's for this lady's benefit. She
25 can't take both of us down talking at the same

1 LATOYA NEWKIRK

2 time. Okay?

3 A All right.

4 Q Ms. Newkirk, in the last 24 hours, have
5 you used any type of drugs or alcohol?

6 A No.

7 Q Currently, are you prescribed any
8 medications, even though you may not have taken
9 them?

10 A No.

11 Q Are you currently under the care of any
12 type of physician? In other words, a medical
13 provider.

14 A I don't understand.

15 Q Sure. Are you under the care of any
16 type of doctor or medical provider for anything?

17 A Are you asking me do I have a
18 physician? I'm just --

19 Q Yeah. Currently.

20 A Yeah. I have a doctor.

21 Q When was the last time you saw that
22 doctor?

23 A I'm not sure.

24 Q Okay. Did it have anything to do --
25 seeing that doctor, did it have anything to do

1 LATOYA NEWKIRK

2 with things that you claim in your lawsuit?

3 A No.

4 Q Are you currently under the care of any
5 type of mental health professional? Whether it
6 be a psychiatrist, psychologist, or social
7 worker.

8 A No.

9 Q Okay. I'm just going to jump ahead for
10 a minute. If I'm correct, the events of your
11 claim occurred on March 16 of the year 2017. Am
12 I right?

13 A I believe so.

14 Q Between the date of the events of the
15 claim and today, have you ever received any care
16 from a mental health provider? Whether it be a
17 psychiatrist, psychologist, or social worker.

18 A I had a counselor.

19 Q Okay.

20 A Is that...

21 Q Yes. That would count. In relation,
22 again, to -- focusing on the day of the claim,
23 March 16, 2017, moving forward to today, when was
24 the last time that you saw the counselor?

25 A I'm not sure.

1 LATOYA NEWKIRK

2 Q Okay. Can you approximate. Do you
3 know if it was a month ago? A year ago?

4 A It was probably closer to a year ago.

5 Q Okay. That -- what I just asked you
6 was when was the last time you saw the counselor.
7 What I'm going to do now is ask you -- focusing
8 on the date of the event and moving forward, when
9 was the first time that you saw the counselor?

10 A I'm not a hundred percent sure because
11 there were two counselors.

12 Q Okay.

13 A I could give you an estimate which
14 would be -- it was the summer of the same year.

15 Q Of 2017?

16 A Yes.

17 Q You mentioned there were two
18 counselors. Let me just do this. The last
19 counselor that you saw -- you said maybe a year
20 ago -- what's that person's name?

21 A Her name is Samantha -- I can't
22 remember her last name right now. Something
23 Italian. I just can't remember it right this
24 second.

25 Q Would that be one of those situations

1 LATOYA NEWKIRK

2 where you have her name written down somewhere
3 and you'd be able to get her name between now and
4 when you get a copy of the transcript?

5 A Yes.

6 Q What we're going to do is leave a blank
7 for the name of the counselor, and if you can,
8 when you get the transcript, fill that in. Okay?

9 A Sure.

10 (REQUESTED INFORMATION: _____
11 _____
12 _____
13 _____)

14 Q For the deposition, I'm going to call
15 her Samantha. Okay?

16 A Yes.

17 Q Focusing on Samantha, when was the
18 first time you went to receive counseling from
19 Samantha?

20 A That, I'm not sure of.

21 Q You mentioned that the last time you
22 saw her was maybe about a year ago.

23 A Mm-hmm.

24 Q If I just focus on -- about how long a
25 period of time did you see Samantha?

1 LATOYA NEWKIRK

2 A I'm not sure.

3 Q Okay. Was it -- not focusing on time,
4 but a number of times, do you know how many times
5 you saw this lady named Samantha?

6 A I'm not sure about that either. I do
7 remember it wasn't consistent. It was supposed
8 to lead to me seeing an actual doctor, and it
9 wasn't. So I felt I was wasting my time. So I
10 don't exactly -- I don't remember after that.
11 After I found that out, that it was taking too
12 long.

13 Q Okay. You said there was another
14 counselor.

15 A Yes.

16 Q You said two -- what was the other
17 counselor's name?

18 A I do not remember her name. The
19 organization was Community Counseling. I do
20 remember that. I do not remember her name.

21 Q Okay. Did you see that counselor
22 before you saw the counselor named Samantha?

23 A Yes.

24 Q Or after?

25 A I saw her before. Before I saw

1 LATOYA NEWKIRK

2 Samantha.

3 Q Was there ever a time where you were
4 seeing the counselor -- and what was the name of
5 the organization?

6 A Community Counseling, I believe.

7 Q What I'm going to do for the deposition
8 is I'm going to call that person the Community
9 Counseling person. Okay?

10 A Okay.

11 Q Was there ever a time that you saw the
12 Community Counseling person while you were also
13 seeing Samantha?

14 A No.

15 Q So it's fair to say you saw the
16 Community Counseling person for a period of time,
17 then stopped, and then started seeing Samantha?

18 A Yes. With the Community Counseling
19 person, the reason why I stopped is she felt like
20 my situation was -- in her words, I believe she
21 said it was too much for her, personally. And
22 she tried to refer me to other places, and I
23 just -- I got discouraged and I hung up the phone
24 on her. She tried to refer me to Family Service
25 League.

1 LATOYA NEWKIRK

2 Q So you're -- the way that you contacted
3 the counselor named Samantha was not through the
4 Community Counseling person?

5 A No.

6 Q Okay. How long, if you can -- same
7 questions about this Community Counseling person.
8 Do you know when you first started seeing the
9 Community Counseling person?

10 A When I first starting seeing Community
11 Counseling person was -- it was June of that
12 year.

13 Q June of 2017?

14 A 2017.

15 Q Did anybody refer you to the Community
16 Counseling person?

17 A I got -- I was living in a shelter, and
18 they referred me.

19 Q Okay. About how long did you see the
20 Community Counseling person?

21 A I'm not exactly sure. It wasn't long.
22 I believe we only had the few sessions before she
23 told me that.

24 Q That was my next question. About how
25 many sessions did you have?

1 LATOYA NEWKIRK

2 A We had a few. I don't recall exactly
3 how many, but it wasn't a lot. I just don't
4 recall exactly.

5 Q The person's name for the Community
6 Counseling center, that person, would you have
7 their name written down anywhere?

8 A No.

9 Q Is there any way that you think you'd
10 be able to find out what their name is?

11 A I could -- I don't know if they'd give
12 me that information unless I went down there.
13 I'm sure I could find out some way.

14 Q What we're going to do is we'll leave a
15 blank in the transcript.

16 A Sure.

17 MR. MITCHELL: If you could --
18 just for this deposition, I'll say if
19 you can get that. Gentlemen, I'll make
20 a written request for the name of the
21 counselors, both counselors, and I'll
22 send your some HIPAA documents for her
23 to sign.

24 MR. EGAN: Will do. Thanks,
25 Brian.

1 LATOYA NEWKIRK

2 (REQUESTED INFORMATION: _____
3 _____
4 _____
5 _____)

6 Q Between the day of the event and when
7 you first saw the Community Counseling person,
8 did you see anybody that may have been considered
9 like a rape crisis person? Or anybody like that?

10 A No. I called -- the day after it
11 happened, I called the VIBS hotline. And the
12 supervisor was the ex-cop, and I got off the
13 phone.

14 Q Okay.

15 A I did try, but like I said, that scared
16 me away, and every other counselor has been
17 referring me back to that same place, VIBS.
18 So...

19 Q Between when you hung up the phone and
20 you saw the Community Counseling person, did you
21 have any communication with any type of rape
22 crisis person or any type of counselor before you
23 saw the Community Counseling person?

24 A No. I don't -- I don't believe I did.

25 Q Other than what you've told me already

1 LATOYA NEWKIRK

2 about any type of treatment from mental health
3 providers, is there anybody else that you
4 received any type of what I call mental health
5 treatment? Or anybody that you've gone to see
6 other than the folks you've already told me about
7 between the day of the event and up until today?

8 A I'm not -- I'm not exactly sure. Do
9 you mean, like, just with counselors and doctors
10 and stuff of that sort?

11 Q Yes.

12 A No.

13 Q Okay. Have you seen anybody else
14 that -- whether they're a counselor, someone that
15 you -- because I just want to make -- for my
16 question, I'll clarify it.

17 Have you spoken to anybody in a
18 therapeutic way? In other words, talked to
19 anybody about the events that happened in a way
20 that you would be seeking some sort of treatment
21 or even just to say what happened. Just to get
22 it off your chest. Just to try to speak to
23 anybody. Have you spoken to anybody in that
24 respect?

25 A Are you referring to, like, a friend or

1 LATOYA NEWKIRK

2 something?

3 Q We'll get to friends. I'm just
4 talking, for now, any medical professionals.

5 A No.

6 Q Any social workers?

7 A No.

8 Q Okay. Other than the persons you've
9 told me about.

10 A Yes.

11 Q Ms. Newkirk, other than the -- I
12 understand that on the day of the event, you were
13 charged with what we call unlawful possession of
14 marijuana; is that correct?

15 A Yes.

16 Q Other than that, have you ever been
17 arrested for anything?

18 A Yes.

19 Q About how many times?

20 A Two.

21 Q Okay. Have you ever been arrested
22 since March 16 of 2017?

23 A No.

24 Q Going back in time from March 16,
25 2017 -- go back in time. Tell me going back in

1 LATOYA NEWKIRK

2 time the last time you were arrested, going back
3 in time from March 16, 2017.

4 What I'm doing is I'm going back in
5 time. So you go back. If there was one time and
6 there was one time before that. From March 16,
7 going that way, as opposed to saying tell me the
8 first time you were arrested. Do you understand
9 that?

10 A Yes.

11 Q Going back in time, when was the last
12 time you were arrested before March 16, 2017?

13 A I believe I was 25 or 26. That was
14 two-thousand -- my math is bad right now.

15 Q That's okay.

16 A Two-thousand -- 2012 or 2013. I'm not
17 exactly sure.

18 Q Do you know what you were arrested for?

19 A I believe I had a warrant for
20 something. I don't remember what it was, and I
21 went in to recall the warrant, and I got taken in
22 from the courtroom.

23 Q Although you had a warrant, you don't
24 know what the underlying charge was?

25 A Yes. If I'm not mistaken, it ended up

1 LATOYA NEWKIRK

2 being thrown out. I don't remember exactly what
3 it was. Yeah. I don't remember.

4 Q Do you know if it -- I'm just going to
5 give examples. Did it have something to do with
6 a petty larceny?

7 A No.

8 Q Did it have anything to do with
9 possession of any type of drugs or marijuana?

10 A No.

11 Q Do you know if it had anything do with
12 not paying traffic tickets?

13 A It -- it could have possibly been that.
14 I'm just not one hundred percent sure.

15 Q You mentioned there were two times.
16 There was a time before what we just talked
17 about. Was there a time before that that you
18 were arrested?

19 A Yes, when I was 18.

20 Q Okay.

21 A That was 2004.

22 Q What was the year of your birth?

23 A 1986.

24 Q So 2004 you would be around 18. What
25 were you arrested for then?

1 LATOYA NEWKIRK

2 A I'm not a hundred percent sure what the
3 charge was, but it was something like petty
4 larceny, if I'm not mistaken.

5 Q Were you accused of taking something
6 without paying for it?

7 A I took it from someone's house.

8 Q What did you take?

9 A I took a bottle of pills.

10 Q Eventually you got charged with that?

11 A Actually, I think it ended up getting
12 thrown out.

13 Q I'm not up to that yet. I'm saying
14 were you charged at some point. In other words,
15 did someone accuse you of doing something and --

16 A Yes.

17 Q -- you wound up getting a charge?

18 A Yes.

19 Q Do you recall if what they accused you
20 for was some kind of larceny? Or even a
21 burglary? Do you have a recollection of it?

22 A I believe it was a larceny.

23 Q Ultimately, you say you think it got
24 thrown out?

25 A It did. It should be expunged off my

1 LATOYA NEWKIRK

2 record, actually.

3 Q Do you know if it was resolved with
4 something called an adjournment in contemplation
5 of dismissal? Did you ever hear that phrase?

6 A I don't -- I don't remember.

7 Q But in any event, your recollection --
8 as you said -- it got thrown out.

9 A Yes.

10 Q Anything before that? We just talked
11 about something that happened on your 18th
12 birthday. Anything before that? And forgive me.
13 I said that that happened on your 18th birthday.
14 I meant something happened when you were 18.

15 A Yeah.

16 Q I just wanted to clarify the record.
17 Back forward now to the events where
18 you said you had some warrants issued. I think
19 you said it was about '12 or '13.

20 A Mm-hmm.

21 Q You were arrested for having warrants?
22 Or is that when you were first arrested on things
23 that ultimately became warrants?

24 A I'm not exactly sure what the exact
25 reason would be for the arrest, seeing as I had

1 LATOYA NEWKIRK

2 the warrant -- found out I had the warrant, went
3 to court, and got arrested in court, you know,
4 when I went to see the judge. I don't -- and I
5 just -- I really don't remember exactly what that
6 was for, so I don't think it was -- you know, you
7 have a warrant. I went in to recall the warrant.

8 Q What led you to go to the court to
9 recall the warrant?

10 A I don't -- I don't remember. All I
11 remember is finding out that I had a warrant and
12 going to see -- going to see about it. What it
13 was.

14 Q Okay. Do you remember how you found
15 out that you had a warrant?

16 A No.

17 Q Was it -- this is just an attempt to
18 try to refresh your recollection. It may not.
19 Was it -- did you receive something in the mail
20 that said you had a warrant? Does that help you
21 refresh your recollection one way or the other?

22 A No.

23 Q Were you advised as part of some sort
24 of traffic stop? Were you stopped by a police
25 officer or law enforcement and they advised you

1 LATOYA NEWKIRK

2 that you had a warrant you had to recall?

3 A I don't remember why I --

4 Q Okay.

5 A -- had any of it.

6 Q In any event, you do recall that you
7 went to recall the warrant.

8 A Yes.

9 Q And when you went to court to recall
10 the warrant, you were arrested at that point.

11 A Yes.

12 Q Were you taken from court to a
13 precinct?

14 A I -- no. I believe I was taken to the
15 jail. I'm not a hundred percent sure. I don't
16 remember too well where they take you after that.

17 Q Okay. But you went to court
18 voluntarily? In other words, you went to court
19 on your own --

20 A Yes.

21 Q -- to recall the warrant.

22 Did you go in front of a judge?

23 A Yes.

24 Q When you went in front of the judge, at
25 that point, you had not been arrested for the

1 LATOYA NEWKIRK

2 warrant. You simply walked up in front of the
3 judge.

4 A Yes.

5 Q When you were in front of the judge,
6 something happened that resulted in you being
7 taken into custody?

8 A Yes. Yes.

9 Q Do you know if you were ever taken out
10 of -- do you know where the courthouse was that
11 you were in?

12 A Central Islip.

13 Q Did there ever come a time on that same
14 day that you were taken from the Central Islip
15 courthouse to some other place?

16 A Yes. I was in Riverhead Jail, I
17 believe.

18 Q Okay. Do you know how long you were in
19 the Riverhead Jail?

20 A I think it was, like, the weekend. I
21 think -- I believe it was two days.

22 Q Okay.

23 A 48 hours. Something like that.

24 Q If you know, when you were there in
25 front of the judge, did the judge set any type of

1 LATOYA NEWKIRK

2 bail on you?

3 A Yes.

4 Q Do you know how much it was?

5 A It was \$500.

6 Q When you got -- there came a time you
7 got released from the jail. You said a couple
8 days, right?

9 A Yes.

10 Q Did you get released because you posted
11 the \$500 bail?

12 A No. I pled guilty.

13 Q Do you remember what it was that you
14 pled guilty to?

15 A Oh, yes. Now I think I remember. I
16 pled guilty -- I don't remember exactly what it
17 was called, but I do remember now why I had a
18 warrant.

19 Q Okay. What was that?

20 A It was because I missed a court date.
21 I had an issue with an ex.

22 Q Okay. You don't need to tell me that.
23 It was because you missed a court date?

24 A Yes.

25 Q Do you now have a recollection of what

1 LATOYA NEWKIRK

2 it was that you were charged with?

3 A It was -- it was a misdemeanor called
4 some type of harassment. I just don't know
5 exactly what the terminology is.

6 Q Do you recall what it was that you were
7 accused of? In other words, don't worry about
8 the criminal name of it. Just what they said you
9 did.

10 A Yes. I was accused of threatening my
11 ex-boyfriend.

12 Q Okay. At some point after you recall
13 the warrant, you said you were -- you had bail
14 set, you were in jail. You wound up pleading
15 guilty to something in relation to that charge.

16 A I pled guilty to what they charged me
17 with, which was the assault. I don't know
18 exactly what it's called. It's called -- not
19 assault. Excuse me. It was a misdemeanor, but
20 it was some type of harassment.

21 Q If I said aggravated harassment, does
22 that refresh your recollection?

23 A Maybe. That might be it. That might
24 be it.

25 Q If I said menacing, does that refresh

1 LATOYA NEWKIRK

2 your recollection?

3 A Doesn't -- no.

4 Q In any event, you wound up pleading
5 guilty to something.

6 A Yes.

7 Q Did you receive any type of sentence?

8 A I received time served.

9 Q After that date -- moving forward, now.
10 After you pled guilty, you got time served.
11 Between that date and March 16 of 2017, was there
12 ever a time where you had any other type of
13 warrants issued against you that you are aware
14 of?

15 A Not to my knowledge that I could
16 recall.

17 Q Okay. I'm jumping ahead a little bit.
18 On March 16, 2017, on that day, were some of the
19 things that you were arrested for warrants from
20 other cases? In other words, were you arrested
21 on March 16, 2017, because you had outstanding
22 warrants?

23 A Yes. That's what I was -- that's what
24 I was told when we got pulled over.

25 Q The outstanding warrants that you were

1 LATOYA NEWKIRK

2 told you were being arrested for on March 16 of
3 2017, did they have any relationship -- if you
4 know -- to the things that you told me about that
5 happened in 2012 and 2013?

6 A No.

7 Q If you know, did there come a time that
8 you learned -- one way or the other -- whether
9 the warrants that you were arrested for on March
10 16, 2017 -- did there ever come a time that you
11 learned that those warrants, that they didn't
12 exist? Or that they weren't valid?

13 A Well I'm not exactly sure if they
14 existed or if they were valid because when we
15 went in, they ended up just -- everything ended
16 up being thrown out. I never saw anything. I
17 don't know what anything is in reference to. I
18 can make a guess but, I'm not --

19 Q We don't want you to guess.

20 A I'm not -- I'm just not sure. To this
21 day, I'm not exactly sure what those warrants
22 were in reference to.

23 Q Other than things that you've told me,
24 was there any other time that you've been
25 arrested?

1 LATOYA NEWKIRK

2 A Not that I could recall.

3 Q Other than the pleading guilty as you
4 mentioned to me in that one event, has there ever
5 been a time that you were convicted of anything?

6 A No.

7 Q When you did plead guilty -- in that
8 earlier case that you mentioned to me when you
9 pled guilty, if you recall, were you placed under
10 oath when you took the plea?

11 A Probably. I don't remember it.

12 Q Did you have a lawyer with you at that
13 time?

14 A Yes.

15 Q Do you know who the lawyer was?

16 A I don't remember his name. It's the
17 guy that wheels around.

18 Q Is he -- if you know, was he a lawyer
19 assigned to you?

20 A Yes.

21 Q If you know -- you may not -- was he a
22 lawyer from the Legal Aid Society? Or was he a
23 lawyer that was assigned to you from a different
24 type of --

25 A I think he was assigned to me from

1 LATOYA NEWKIRK

2 somewhere else.

3 Q If I said the phrase 18B, does at ring
4 a bell at all, one way or the other?

5 A No.

6 Q In any event, was that lawyer with you
7 when you pled guilty?

8 A Yes.

9 Q When you pled guilty, did the judge ask
10 you if you were pleading guilty because you were,
11 in fact, guilty?

12 A Yes. I believe she did.

13 Q By the way, do you remember who the
14 judge was?

15 A Judge Bean.

16 Q When Judge Bean asked you that, did you
17 tell the judge, in fact, you were guilty?

18 A Yes.

19 Q When you told the judge you were, in
20 fact, guilty, were you telling the judge the
21 truth?

22 MR. EGAN: Object to the form of
23 the question. You can answer.

24 A No.

25 Q Okay. You say no. Is that because you

1 LATOYA NEWKIRK

2 weren't actually guilty of what you were charged
3 with?

4 A Yes.

5 Q Okay. In any event, when the judge
6 asked you if you were guilty, you did tell the
7 judge that? You said yes, I'm guilty; is that
8 right?

9 A Yes.

10 Q Did you do that just to try and get the
11 case over with?

12 A Yes. I had to get home. No one knew
13 where I was.

14 Q Okay. In other words, you did it
15 because -- not because you were guilty, but you
16 wanted to do something that would be favorable to
17 you. Meaning, in that instance, to get out of
18 there so you could go home.

19 MR. EGAN: Object to the form of
20 the question.

21 A Yes. Can you repeat that.

22 Q Sure. When you pled guilty, I asked
23 you if when you told the judge -- withdrawn.

24 I asked you when the judge asked you
25 are you pleading guilty because you're guilty,

1 LATOYA NEWKIRK

2 your response to me was that you told the judge
3 yes. Then I asked you if when you said that to
4 the judge, was that true, and you told me no.
5 Then I said to you was the reason that you pled
6 guilty was because there was something -- there
7 was some other reason you were pleading guilty.
8 You said to me because you needed to get home.
9 You needed to get out of there and get home; is
10 that right?

11 A Yes.

12 MR. EGAN: Object to the form of
13 the question.

14 Q Is it fair to say that the reason you
15 pled guilty was not because you were guilty, but
16 for some other reason?

17 A Yes.

18 Q Okay. Ms. Newkirk, before coming in
19 today, did you review anything in preparation for
20 your deposition testimony?

21 A Did I review anything?

22 Q Yeah.

23 A Yes.

24 Q What did you look at?

25 A I looked at the paper that I wrote.

1 LATOYA NEWKIRK

2 Q Okay. When you say that you wrote
3 something, you hand wrote?

4 A Yes.

5 Q What paper was that?

6 A I guess you could say it's like a
7 statement.

8 Q Okay.

9 A But it's technically not a statement.
10 No one asked me to write it. I just wrote down
11 so I would have every detail fresh in my mind.

12 Q When did you write that?

13 A I wrote it when I got out. Yeah. The
14 day I got out, I believe I started writing it
15 that day or the day after that.

16 Q Okay.

17 A I might have finished it the day after
18 that, but I believe I started the day that I had
19 got out.

20 Q This means going back -- when you say
21 you got out, you mean back in 2017?

22 A Yes.

23 Q Do you have that paper with you today?

24 A No.

25 MR. MITCHELL: Gentlemen, do you

1 LATOYA NEWKIRK

2 have that paper with you today?

3 MR. EGAN: Yes.

4 MR. MITCHELL: Can I have a copy,
5 please.

6 MR. EGAN: Yes.

7 MR. MITCHELL: While he's doing
8 that -- actually, no. Let's wait until
9 he does that because he needs to be
10 paying attention over here, too.

11 Could you please mark that as B.

12 (Defendant's Exhibit B was marked
13 for identification.)

14 MR. MITCHELL: If I could just ask
15 both gentlemen if you are aware, are
16 there any other documents that you're
17 aware of that you client drafted or
18 wrote that you're in possession of that
19 you haven't provided me with?

20 MR. EGAN: Not that we're aware
21 of.

22 MR. MITCHELL: Okay. Other than
23 the complaint in the case.

24 MR. EGAN: Correct.

25 MR. MITCHELL: I know she didn't

1 LATOYA NEWKIRK

2 draft the complaint. Other than that?

3 MR. EGAN: Correct.

4 MR. MITCHELL: For the record,

5 it's my position that this should have

6 been provided to the county pursuant to

7 rule 26 right at the front end of the

8 case. With that in mind, I'm going to

9 take a ten-minute break -- not a long

10 time -- to review this document. Okay,

11 guys?

12 MR. EGAN: Take as long as you

13 want.

14 (A recess was taken at 10:48 a.m.)

15 Q Ms. Newkirk, before we took the break,

16 you mentioned to me that you reviewed a document

17 which was handwritten by you, and you said at a

18 time close to when the events occurred; is that

19 right?

20 A Yes.

21 Q What I'm going to do is I'm going to

22 show you what has been marked as Defendant's

23 Exhibit B, like boy. Just take a look through

24 it, and I'm just going to ask you some questions

25 about that.

1 LATOYA NEWKIRK

2 A This is it. Yeah.

3 Q Okay. You could just hang onto it.

4 A Sure.

5 Q You mentioned to me that that document
6 is a document you wrote; correct?

7 A Yes.

8 Q All right. It's in -- the handwriting
9 is yours?

10 A Yes.

11 Q Again, you said you wrote it -- your
12 recollection is you wrote it at a time close to
13 the time of the events.

14 A If I'm not mistaken, it was the day
15 after. When I got out.

16 Q Did you write it all on that same day
17 when you got out? Or did you write some of it
18 that day and then some later?

19 A I wrote some -- I wrote some of it one
20 day, and the next day I wrote the rest of it.

21 Q So it's fair to say the entire document
22 was completed still within -- close in time to
23 when the events occurred?

24 A Yes. Within 24 hours, this whole thing
25 was written.

1 LATOYA NEWKIRK

2 Q Okay. Looking at it today, is there
3 anything in there that you think is incorrect or
4 should be changed?

5 A I mean, it could use more detail, but
6 that's it. Nothing is different.

7 Q Okay. The details that are in there,
8 you think they're correct?

9 A Yes.

10 Q So there's nothing that you think
11 perhaps you made a mistake or it should be
12 changed today.

13 A No.

14 Q Okay. So -- and obviously you wrote
15 it, so it's true and accurate to the best of your
16 knowledge?

17 A Yes.

18 Q I'll take that back. Thank you.
19 Other than what we just looked at,
20 Exhibit B, did you review anything else before in
21 preparation for your deposition today?

22 A I mean, I looked at, like, just court
23 papers and stuff like that in relation. There
24 was something that -- I don't know if it's a
25 review. I looked at the -- I don't know what

1 LATOYA NEWKIRK

2 that thing's called. That thing you're looking
3 at now.

4 Q The complaint?

5 A Yes.

6 Q Anything else?

7 A Did I review anything else? I looked
8 into what a disposition was and everything like
9 that.

10 Q You looked into what a disposition was?

11 A Yes.

12 Q What do you mean by what a disposition
13 was? What --

14 A What it is. I just reviewed, like,
15 what I would be going through today so I knew
16 what to expect.

17 Q I see. I misunderstood. You meant
18 what a deposition was.

19 A Yes.

20 Q Okay. That's fine. And was that
21 something -- if you did that with your lawyers,
22 don't talk to me about what you did with your
23 lawyers.

24 MR. EGAN: For the record, she
25 did. That's what she's referencing.

1 LATOYA NEWKIRK

2 A Yes.

3 Q Okay. What I'm going to do is show you
4 what's been marked as Defendant's Exhibit A, like
5 apple, and I'll represent that that's a copy of
6 the complaint in the case. All right?

7 A Yes.

8 Q That was served on your behalf. What
9 I'm going to ask you to do, if you could just
10 take a look at -- I'm turning to page 3. You see
11 at the bottom, it says factual allegations?

12 A Yes.

13 Q What I'm going to ask you to do, if you
14 could take a look at the portion of the complaint
15 that says factual allegations. It looks like it
16 goes through to about -- to about the top of page
17 10. If you could just review that portion of the
18 document. I'm just going to ask you some similar
19 questions to what I asked you about Exhibit B.
20 Okay?

21 A Sure. Okay.

22 Q Have you had a chance to take a look at
23 what's been marked as Defendant's Exhibit A? In
24 other words, the piece of paper you have there.

25 A Yeah.

1 LATOYA NEWKIRK

2 Q Before the -- is it fair to say that's
3 a copy of the complaint that was filed on your
4 behalf in the lawsuit?

5 A Yes.

6 Q Before it was filed, did you have an
7 opportunity to read it?

8 A Yes.

9 Q When you read it, did you understand
10 it?

11 A Yes.

12 Q At least the factual part.

13 A Yes.

14 Q Looking at it today, is there anything
15 in there that you think is incorrect or should be
16 changed?

17 A 29 is -- it's -- I don't know. It's
18 not that it's incorrect. It says Officer Pav
19 witnessed these events while seated in the police
20 cruiser. It started even before he got into the
21 car.

22 Q Okay. What started even before he got
23 into the car?

24 A Me being assaulted.

25 Q Okay.

1 LATOYA NEWKIRK

2 A So from his angling, he witnessed it
3 even before and while he was seated. Before he
4 was seated and while he was seated. To be clear.

5 Q Okay, but that's not in the complaint,
6 is it?

7 A No.

8 Q But you think that -- in other words,
9 you think that there should be more information
10 in the complaint than what's in the complaint?

11 A I just feel like it's missing a small
12 detail, and I don't know if it really matters,
13 but just in case it does, I wanted to say that.

14 Q Okay. Whether it matters or not, it's
15 not in the complaint; correct?

16 A Yes.

17 Q Okay. Other than that, is the factual
18 portion of the complaint true and accurate to the
19 best of your knowledge?

20 A Yes.

21 MR. MITCHELL: Okay. I'll take
22 that back. You fellows have a copy?
23 Do you need a copy of the complaint?

24 MR. EGAN: Do we have a copy of
25 the complaint? We're good.

1 LATOYA NEWKIRK

2 MR. MITCHELL: I mean for your
3 benefit.

4 MR. EGAN: Thanks.

5 Q Ms. Newkirk, have you ever been known
6 by any other name than Latoya Newkirk?

7 A No.

8 Q Okay. This we'll mark confidential,
9 but what's is your social security number?

10 A XXX-XX-XXXX.

11 Q What's your date of birth?

12 A June 5, 1986.

13 Q You mentioned when you were -- in the
14 beginning of the deposition that you live in East
15 Yaphank.

16 A Yes.

17 Q How long have you been living there in
18 East Yaphank?

19 A Two years.

20 Q Do you live there with anybody?

21 A I live with my daughter.

22 Q How old is your daughter?

23 A She's 16.

24 Q Do you live there be anybody else?

25 A No.

1 LATOYA NEWKIRK

2 Q If I go back before the East Yaphank
3 address, where did you live before that?

4 A I lived in Bellport. I was in a
5 shelter named Help Suffolk.

6 Q Okay. About how long did you live
7 there?

8 A Only a few months.

9 Q Okay.

10 A Maybe -- you know, I believe it was
11 maybe six months. I think it was from March
12 until probably very end of August, very beginning
13 of September.

14 Q That was --

15 A 2017.

16 Q Okay. You said -- let me just do this.
17 The day of the event is March 16, 2017.

18 A Mm-hmm.

19 Q On that day, where were you living?

20 A I lived in Port Jefferson Station.

21 Q What was your address?

22 A 857 Old Town Road in Port Jefferson
23 Station. I don't recall the zip code.

24 Q Who did you live there with?

25 A It was a shelter. I lived with my

1 LATOYA NEWKIRK

2 daughter.

3 Q Okay. And if we focus on -- you said
4 there was a time where you were in the Bellport
5 shelter.

6 A Yes.

7 Q Before that, was that -- were you in
8 the Port Jeff shelter?

9 A Yes.

10 Q Between -- focusing on the date, March
11 16, 2017, moving forward, when did you go from
12 the Bellport shelter to the -- excuse me. From
13 the Port Jeff shelter to the Bellport shelter?

14 A I think -- I'm not a hundred percent
15 sure. It was within the month of March. I
16 was -- or -- jeez. Could it possibly be the end
17 of March, beginning of April? I'm not a hundred
18 percent sure.

19 I know that I had to do things and try
20 to move immediately because the officer had my
21 address. That was the only reason I was even
22 moving. So I think it took a couple of weeks for
23 paperwork to go through. I could be wrong about
24 that. It's probably like a three-week time span.
25 I'm just not exactly sure what date.

1 LATOYA NEWKIRK

2 Q The Bellport shelter, about how long
3 did you live there?

4 A End of March-ish -- five to six months.

5 Q Then after Bellport, where did you
6 live?

7 A Where I am now in East Yaphank.

8 Q Okay. The East Yaphank location, is
9 that a shelter?

10 A No.

11 Q Focusing on the Port Jeff shelter that
12 you mentioned that you left to go over to the
13 Bellport shelter, when you -- did you make an
14 inquiry? Did you ask anybody at social service
15 to help you move? In other words, to move you
16 from that location.

17 A There's a case manager that's at the
18 house.

19 Q Okay.

20 A And I had mentioned that something
21 happened with me and I just -- I didn't feel safe
22 or comfortable.

23 Q Do you know what the case manager's
24 name is?

25 A I don't recall her name.

1 LATOYA NEWKIRK

2 Q If you know, did you ever put anything
3 in writing? Did you have to write anything down
4 about the reasons why you were requesting to be
5 moved from the Port Jeff shelter to the Bellport
6 shelter?

7 A No.

8 Q The caseworker's name, is that
9 something that you would be able to get? In
10 other words, if we leave a blank in the
11 transcript.

12 A I remember around that time they were
13 switching caseworkers, so I'm not one hundred
14 percent sure that is something I could get,
15 because I wouldn't know who to ask. I don't know
16 if they would give me that information since it's
17 a house.

18 Q Okay. How long -- when did you first
19 get -- when did you first start living in the
20 Bellport shelter?

21 A March-ish to April. Bellport? Help
22 Suffolk, you said?

23 Q Forgive me. When did you first start
24 living in the Port Jefferson shelter?

25 A Sometime in 2016.

1 LATOYA NEWKIRK

2 Q All right.

3 A I'm not exactly sure. Maybe I had been
4 there for a year at that point. Maybe. I'm
5 just -- I'm not one hundred percent sure.

6 Q Okay. And where did you live before
7 that?

8 A I had been staying with my friend in
9 Farmingdale.

10 Q Okay. Is that for any -- what period
11 of time did you stay with your friend? For about
12 how long?

13 A Maybe six months.

14 Q Okay. What was your friend's name?

15 A Larry.

16 Q What was Larry's last name?

17 A Abiola.

18 Q When you stayed with Larry, did anyone
19 else stay there with you, other than you and
20 Larry? In other words, was your daughter with
21 you then?

22 A No.

23 Q Where was your daughter during that
24 six-month period of time?

25 A My -- during when I was with Larry?

1 LATOYA NEWKIRK

2 Q Yes.

3 A My daughter was in foster care.

4 Q When you were in the Port Jeff
5 shelter -- this would be after Larry, you went to
6 the Port Jeff shelter; correct?

7 A Yes.

8 Q Was your daughter with you in the Port
9 Jeff shelter?

10 A Yes.

11 Q Was she with you in the Port Jeff
12 shelter for the entire time that you were in the
13 Port Jeff shelter?

14 A Yes.

15 Q If you know, why was your daughter in
16 foster care at the time you were with Larry
17 Abiola?

18 A She was in foster care for a while. I
19 had an issue with my landlord, and I'm trying to
20 remember exactly how it happened and everything,
21 but I don't know exactly -- I don't -- yeah.

22 I don't know exactly -- I'm not exactly
23 sure of what they call it or anything, but my --
24 I was accused of leaving my daughter at my house
25 for -- I think they said three months. It was

1 LATOYA NEWKIRK

2 something ridiculous. I don't know exactly what
3 they said.

4 Q What house was that?

5 A I lived in Wyandanch at the time.
6 South -- I can't remember if it was South 30th or
7 South 31st. Right now, I can't remember, but
8 yeah. I lived there before -- you know, well, at
9 the time when she got put in foster care.

10 Q Did you live there with anybody else
11 other than your daughter?

12 A It was, like, a rooming house.

13 Q How old is your -- was your daughter
14 around that time?

15 A She was 11.

16 Q As far as you know, there was an
17 accusation that you left your daughter by
18 herself?

19 A Yes.

20 Q What was the period of time that you
21 were accused of leaving your daughter by herself?
22 What -- was that for how long?

23 A I don't know. Like I said, it's
24 changed. I've heard -- my landlord told -- he
25 called CPS and said I left my daughter home for

1 LATOYA NEWKIRK

2 three months by herself.

3 Q Okay.

4 A That's what he said. So if that's the
5 answer to the question, I'm not sure.

6 Q Okay. Do you know, was there ever
7 something called an abuse or neglect petition
8 brought against you?

9 A Maybe neglect.

10 Q In family court?

11 A Yes. Who would bring that petition?
12 Because I'm just --

13 Q You can't ask me questions. I may try
14 to refresh your recollection.

15 Do you ever recall going to family
16 court in relation to the custody of your
17 daughter?

18 A Yes.

19 Q At the time, did you have an attorney?

20 A They assigned me one. Yes.

21 Q Did you know what the lawyer's name
22 was?

23 A No.

24 Q Do you recall going in front of a judge
25 at all?

1 LATOYA NEWKIRK

2 A Yes. At a certain point, yes.

3 Q Do you remember what the judge's name
4 was?

5 A No.

6 Q If you know, was it in family court in
7 Central Islip?

8 A Yes.

9 Q At some point your daughter was placed
10 in foster care?

11 A She was placed in foster care directly
12 from -- like, when the CPS worker came -- he came
13 to her school and took her.

14 Q Okay. At that time, you were living at
15 the location in Wyandanch?

16 A Yes.

17 Q When he came and took her, after that
18 point, is that when you went to family court? Or
19 had you been to family court before he came and
20 took her? If you remember.

21 A No. It was family court in reference
22 to...

23 Q The custody of your daughter. In other
24 words, your daughter going into foster care.

25 A No. I hadn't been at -- this is what

1 LATOYA NEWKIRK

2 jump started me going to family court.

3 Q Is your daughter's father alive?

4 A Probably.

5 Q When was the last time you saw him?

6 A No clue at all.

7 Q Okay. Literally, was it -- how old is
8 your daughter?

9 A She's 16.

10 Q Was it 15 years ago?

11 A Possibly. Does in passing count? Like
12 if I saw him in a crowd and he didn't see me?

13 Q Not really, no. Just when --

14 A So then it's been about 16 years.

15 Q Okay. My question is was your
16 daughter's father involved at all -- if you
17 know -- in the family court proceedings?

18 A He was involved in everything that led
19 up to it, but he was not involved at all after.
20 In -- let's say with the family court thing, I
21 don't recall them ever showing me anything or
22 saying they attempted to contact him, but that's
23 the only thing I've seen having to do with him.

24 Q Is it fair to say that -- by the way,
25 what's you daughter's father's name?

1 LATOYA NEWKIRK

2 A Tahim Denye Prince Graham. Whichever
3 one he goes by.

4 MR. EGAN: Do you want to spell
5 that? Do you know it?

6 THE WITNESS: I could try.

7 MR. EGAN: Phonetic works.

8 MR. MITCHELL: That's okay.

9 Q Is it fair to say that Mr. Graham was
10 not considered as an alternative person to have
11 your daughter placed with --

12 A Yes.

13 Q -- when she was taken from you?

14 A Yes.

15 Q Okay. In any event, when you were with
16 Mr. Abiola -- is that how you say it?

17 A Yes. I believe.

18 Q Your daughter did not live with you
19 during that period of time.

20 A No.

21 Q Are you currently employed?

22 A No.

23 Q When was the last time you were
24 employed?

25 A When I moved from over by Larry, I was

1 LATOYA NEWKIRK

2 working at the salon. That would be the last
3 time.

4 Q What was that salon? What was the name
5 of that salon?

6 A House of Essence.

7 Q Where was that?

8 A In Amityville, on 110. I don't
9 remember the exact address.

10 Q About how long did you work there?

11 A I had worked there for a few months.

12 Q All right. Before that -- and then
13 about how much money did you make? Whether it be
14 weekly or monthly. Just a round number.

15 A It wasn't good. It was almost like an
16 intern-type position to be her assistant.

17 Q Okay.

18 A So I was working, but it wasn't like I
19 was getting a check. Or it wasn't like that kind
20 of job. I was training for it, but I moved.

21 Q Okay. You weren't paid at all during
22 the period of time when you worked there?

23 A No, I was, but it was, like, tips from
24 washing and stuff like that.

25 Q I understand.

1 LATOYA NEWKIRK

2 A I don't know how to calculate that
3 because, like I said, it was tips. Nothing
4 solid. Nothing as a solid rate for me.

5 Q Okay. Can you give me on an average
6 how much you got paid.

7 A Do you mean like daily? Weekly?

8 Q Weekly.

9 A If I did the four days, I might have
10 made a hundred -- a little over a hundred in tips
11 if I did four full days.

12 Q As far as you know, that's all your
13 pay, essentially, was from tips?

14 A Yes.

15 Q Before working there, when was the last
16 time you worked before that?

17 A I worked for Yellow Cab in Deer Park
18 before that.

19 Q When was that?

20 A I stopped working there in 2015.

21 Q Okay. When did you first start work
22 there?

23 A Two-thousand -- end of 2013, 2014,
24 beginning, maybe. I was working there for about
25 a year.

1 LATOYA NEWKIRK

2 Q What did you do? What was your job
3 duty?

4 A I was a taxi driver.

5 Q Why did you stop working there in 2015?

6 A I moved.

7 Q Okay. Where did you move to?

8 A I don't remember.

9 Q When you were working for Yellow Cab in
10 Deer Park, where did you live?

11 A I -- oh, wait. Okay. I lived at the
12 house I was just telling you about on Wyandanch
13 on South 30th or South 31th Street.

14 Q When you first starting working at
15 Yellow Cab, were you living in Wyandanch?

16 A Yes.

17 Q When you were driving for Yellow Cab,
18 did you have a driver's license?

19 A Yes.

20 Q Did there come a time that you had your
21 driver's license suspended?

22 A Yes.

23 Q Is that the reason you stopped working
24 at Yellow Cab?

25 A I -- okay. That wasn't -- no. That

1 LATOYA NEWKIRK

2 wasn't the reason. The -- what happened was I
3 stopped working because I moved. I attempt -- I
4 attempted to go back. I went back for a day, and
5 that's when I found out about my license. And
6 because it was so far away to me at the time, it
7 wasn't worth it to fix my license and keep
8 working because I didn't even think that I would
9 be able to consistently go back to work.

10 Q Do you know why your license was
11 suspended?

12 A No. They -- at that time, I don't
13 remember why. I knew I had a job driving, so it
14 wasn't something I would have, like, just
15 ignored. So I didn't -- it might have been, I
16 guess, maybe related to a ticket. So I don't
17 know.

18 Q But did there come a time that you
19 learned that your license was suspended?

20 A Yes.

21 Q Were you ever charged with driving with
22 a suspended license? Did you ever get a ticket
23 for that or get arrested for that?

24 A Yes. At a point I did get a ticket.

25 Q If you know, when you got the ticket,

1 LATOYA NEWKIRK

2 were you given a ticket to go to court? Or were
3 you actually taken into custody? Like, brought
4 down to the precinct.

5 A No. I was -- I was never arrested for
6 driving with a suspended license, so I would have
7 just gotten the ticket.

8 Q Okay. Do you remember when you got the
9 ticket?

10 A No.

11 Q Do you remember where you were when you
12 got the ticket?

13 A No.

14 Q Did there come a time that you went to
15 court for the ticket for the suspended license?

16 A More than likely, yes.

17 Q Was there ever a time that you didn't
18 go to court in relation to the ticket for the
19 suspended license?

20 A Not that I recall.

21 Q Okay. Going back before the Yellow
22 Cab, when was the last time you worked before
23 that?

24 A I'm not sure.

25 Q Do you remember -- although you might

1 LATOYA NEWKIRK

2 not remember the times when you worked before
3 working for Yellow Cab, do you remember what you
4 did? What your job was before Yellow Cab?

5 A Yeah. That's what I'm trying to
6 remember. I can't -- I'm trying to remember the
7 order of my jobs. What year.

8 Q Okay. If you don't recall, that's
9 fine.

10 A I'm trying really hard to remember what
11 order. What I was doing.

12 Q That's okay. If it comes to you while
13 we're talking, let me know.

14 A Yeah.

15 Q You mentioned that you had been
16 living -- on some situations you've been living
17 in a shelter; is that right?

18 A Yes.

19 Q Is it fair to say, is that through --
20 is that through Suffolk County social services?

21 A Yes.

22 Q If you can just give me a general idea
23 going back in time about how long you've been
24 receiving social services from Suffolk County.

25 A Since I was 17.

1 LATOYA NEWKIRK

2 Q Okay. Did some of that involve housing
3 assistance?

4 A Yes.

5 Q In other words, like, with the shelter.

6 A Yes.

7 Q Did you get any other type of
8 assistance? Whether it be -- from social
9 services, whether it be any type of --

10 When you're at the shelter, do you
11 receive a payment to pay rent? Or is that -- do
12 you just stay there and somehow it's taken care
13 of that you're not involved in?

14 A Rent is paid directly to the shelter.

15 Q Okay.

16 A It doesn't pass through my hands.

17 Q Okay. Other than the housing
18 assistance, do you know if you received any other
19 type of assistance from social service?

20 A Food stamps and public -- well public
21 assistance is, like, food stamps and maybe a cash
22 allotment.

23 Q Okay. Are you getting that now?

24 A Yes.

25 Q Have you been getting that essentially

1 LATOYA NEWKIRK

2 since you were about 17?

3 A Off and on.

4 Q Off and on?

5 A Yeah.

6 Q Okay. What's the highest level of
7 education you've achieved?

8 A I got a GED. I went to tech school.

9 Q Where did you go do to tech school?

10 A Wilson Tech in Dix Hills.

11 Q Was that after you got the GED?

12 A I got the GED in the middle of me being
13 in school.

14 Q Did you get a -- with Wilson Tech, did
15 you get a certificate from there or anything?

16 A I did. I do not have it, but I did.

17 Q What was it for?

18 A Medical lab tech assisting.

19 Q When did you go there?

20 A Two-thousand -- I think it was 2006.

21 2005 to 2006 school year. If I'm not mistaken,
22 that was it.

23 Q You said you lived for a period of time
24 with this fellow, Mr. Abiola --

25 A Yeah.

1 LATOYA NEWKIRK

2 Q -- in Farmingdale. When did you first
3 meet him?

4 A Possibly 2010, 2011-ish.

5 Q Where did you meet him?

6 A I don't -- I don't remember. I
7 remember Larry from when I was young. When I
8 first had my daughter, the house I moved into --
9 which was my daughter's father's family's
10 house -- Larry lived right around the corner, and
11 he was one of the guys from around there, but I
12 haven't seen him -- well, I hadn't seen him at
13 that time for a few years, and I don't remember
14 how I, like, got back to talking to him. I don't
15 really remember.

16 Q You lived with him sometime in 2015; is
17 that right? Or 2016?

18 A Two-thousand -- end of the year 2015
19 into 2016. Those few months.

20 Q If we focus on the Port Jefferson
21 shelter, do you know when you first went to the
22 Port Jefferson shelter?

23 A I'm thinking -- if I recall correctly,
24 March of 2016.

25 Q Okay. If you look at the date of this

1 LATOYA NEWKIRK

2 event, the date of this event was March 16, 2017.

3 On that day, about how long had you been in the
4 Port Jefferson shelter?

5 A About a year.

6 Q So now we're going back to -- that
7 would be March of 2015; am I right?

8 A No. You said if it happened --

9 Q Of 2016?

10 A Yes.

11 Q Forgive me. And it was before that you
12 were with this fellow, Larry?

13 A Yes.

14 Q So sometime in '15, up until March
15 of -- when you went into the Port Jeff home in
16 March of '16?

17 A Yes.

18 Q Okay. And between when -- you told me
19 you first -- I asked when did you first meet
20 Larry, and you said 2010. Between then and when
21 you were living with him towards the end of 2015,
22 did you have contact with him? During that --

23 A Can you repeat that.

24 Q Sure. When you -- I asked you when you
25 first met him. You said 2010, or around there.

1 LATOYA NEWKIRK

2 Between then and when you moved in with him in
3 2015, did you have contact with him during that
4 period of time?

5 A From 2010...

6 Q To when you moved in with him.

7 A Contact?

8 Q Yes.

9 A Yes.

10 Q How often would you see him during that
11 period of time?

12 A I don't know. Not that often.

13 Q Did you consider him a friend? Or a
14 acquaintance?

15 A Yeah.

16 Q When you moved in with him -- was he
17 your boyfriend when you moved in with him?

18 A No.

19 Q Just a friend?

20 A Yes.

21 Q Was there any particular reason that
22 you moved in with him other than -- as opposed to
23 staying at a place that social service may have
24 provided?

25 A Well there were several different

1 LATOYA NEWKIRK

2 things. We were trying to help each other.

3 There was -- there was an apartment in his house
4 that was going to be available soon, so I was
5 trying to get that apartment. And also he has a
6 daughter, and I was baby-sitting his daughter
7 because he had two jobs and the hours were weird.
8 So I was doing nannyng for him.

9 Q Do you know about how old Mr. Abiola
10 is?

11 A My age. He -- I believe he's 33. 32
12 or 33.

13 Q Somewhere around your age?

14 A Yeah.

15 Q Ms. Newkirk, other than the lawsuit
16 that we're here for today, have you ever brought
17 a lawsuit against anybody? Other than this one
18 today. Have you ever sued anybody?

19 A No.

20 Q If you know, have you ever been sued by
21 anybody?

22 A No.

23 Q Lastly, have you ever been a witness in
24 a lawsuit where you didn't sue somebody but you
25 were involved in some way where you would be a

1 LATOYA NEWKIRK

2 witness or had information about the lawsuit?

3 A No.

4 Q Now what I'm going to do, Ms. Newkirk,
5 is I'm going to ask you to direct your attention
6 to March 16 of 2017. Okay?

7 A Okay.

8 Q I ask you, do you recall what is -- now
9 certainly you have --

10 Your complaint indicates there was a
11 time that you were stopped by the police on that
12 day; correct?

13 A Yes.

14 Q I want you to focus on times before
15 that. Can you tell me where you were in the
16 morning of March 16, 2017. Do you know where
17 you -- actually where you woke up that morning?

18 A Yes.

19 Q Where did you wake up?

20 A In Port Jeff Station, at my house.

21 Q Did there come a time that you left the
22 Port Jeff Station location?

23 A Yes. I don't remember exactly what
24 time it was.

25 Q Okay. Did there come a time that you

1 LATOYA NEWKIRK

2 were in a vehicle with Larry Abiola?

3 A Yes. He picked me up.

4 Q So when you say he picked you up, he
5 picked you up at your house there? Or where you
6 were living in Port Jeff?

7 A Yes.

8 Q Forgive me. Was that a house or an
9 apartment in Port Jeff?

10 A Well that's Port Jeff Station. That's
11 the shelter.

12 Q Okay.

13 A He picked me up from there. It's a
14 house.

15 Q Okay. When Mr. Abiola picked you up at
16 that time, did you have custody of your daughter?

17 A Yes.

18 Q Okay. At that time, about how old was
19 your daughter?

20 A That was two years ago. She was 14.
21 Yeah. 13, because it was March. Her birthday
22 wasn't until August. 13.

23 Q When Mr. Abiola picked you up, was your
24 daughter home?

25 A No.

1 LATOYA NEWKIRK

2 Q Where was she?

3 A She was in school.

4 Q Okay. When Mr. Abiola picked you up,
5 did you have an intention of going anywhere?

6 A Yes.

7 Q Where were you intending on going?

8 A I was going to my stepmom's house in
9 Wyandanch. On Irving Street.

10 Q What is your stepmom's name?

11 A Nicole Eaton.

12 Q Is she married to your dad? Is that
13 what makes her your stepmom?

14 A No. They were together for 14 years,
15 so she's my stepmom.

16 Q Is she married to him? Or you just
17 called her your stepmom?

18 A No. I just call her my stepmom. They
19 were not married.

20 Q What's your dad's name?

21 A Marty Newkirk.

22 Q Where does your dad live?

23 A He passed away in July.

24 Q Of this year?

25 A Yes.

1 LATOYA NEWKIRK

2 Q In March of 2017, was he living with
3 your stepmom?

4 A Yes. I believe. Yes.

5 Q At the Irving -- is it Irving Street?

6 A Mm-hmm.

7 Q At that address?

8 A (The witness gestured.)

9 Q Yes?

10 A Yes.

11 Q So when Mr. Abiola picked you up, your
12 intention was to go to your stepmom's house?

13 A Yes. We were stopping to eat breakfast
14 and going to her house.

15 Q Did you stop and get breakfast?

16 A Yes.

17 Q Do you remember where?

18 A Yes. M&A Deli on Straight Path in
19 Wyandanch.

20 Q After you got breakfast, did you leave
21 there?

22 A Yes.

23 Q When you left, did you get to your
24 stepmom's house?

25 A No.

1 LATOYA NEWKIRK

2 Q Did there come a time that you were
3 stopped by the police --

4 A Yes.

5 Q -- before you got to your stepmom's
6 house?

7 A Yes.

8 Q Between when you left the deli and you
9 got stopped by the police, did you go anywhere
10 else?

11 A No. The police were at the deli
12 entrance. The exit. Excuse me. So we were
13 exiting. They were right there.

14 Q Okay. So you didn't make any stops
15 between when you left the deli and when you got
16 stopped by the police.

17 A No.

18 Q Okay. Do you recall what type of car
19 Mr. Abiola had?

20 A He was using his brother's car that
21 day.

22 Q Okay.

23 A It was black. It may have been a
24 Mitsubishi. I'm not sure. Not sure.

25 Q Do you know the difference between a

1 LATOYA NEWKIRK

2 car we call a sedan or an SUV or a truck? Do you
3 know if it was like what we call a sedan?

4 A It's a -- I'm trying to remember how
5 many doors it had. It was a regular sedan.

6 Q Okay. But you don't recall if it was
7 two doors or four doors?

8 A Yeah, because doesn't that change the
9 name? I was trying to make sure I was saying the
10 right thing.

11 Q That's fine. Are you familiar with
12 something they call an SUV? Like --

13 A Yes.

14 Q -- a Ford Explorer? Or a Chevy --

15 A Yes.

16 Q -- Suburban? That's type of thing.

17 A Yes.

18 Q As opposed to what I'll call, say, a
19 Honda Accord or Chevy Malibu. Like when you
20 drove a cab, what type of car did you drive?

21 A It was an Ford Taurus, I believe.

22 Q Or like a Ford Taurus.

23 A Yes, I did.

24 Q A Ford Taurus -- when I say a sedan,
25 that's --

1 LATOYA NEWKIRK

2 A Right.

3 Q -- really what I'm saying.

4 A Yeah.

5 Q Do you understand? So we're talking
6 about the same thing?

7 A Mm-hmm.

8 Q Yes?

9 A Yes.

10 Q Okay. Was Mr. Abiola's car, was it a
11 sedan? Regardless of the make or model, was it a
12 car, like, a four-door sedan-type car?

13 A Yes.

14 Q Do you recall where you were when the
15 police stopped you? What street you were on?

16 A I was on Arlington.

17 Q Where were you in the car?

18 A In the passenger seat.

19 Q Was Mr. Abiola driving, obviously?

20 A Yes.

21 Q You said it was his brother's car?

22 A Yes. I believe his car was in the shop
23 that day, and he had to get to work. And their
24 shifts worked out so that he just used his car.

25 Q You used some pronouns there. When you

1 LATOYA NEWKIRK

2 said you believe his car was in the shop, you
3 mean Mr. Abiola -- Larry Abiola's car?

4 A Yes.

5 Q So Larry Abiola used his brother's car?

6 A Yes.

7 Q Do you know what his brother's name is?

8 A I don't remember.

9 Q Okay. When the police stopped you, you
10 recall being on Arlington. Do you know if that's
11 Street or Avenue?

12 A I believe it's Arlington Street.

13 Q Before the police stopped you, the only
14 places you had been was at your home in Port
15 Jeff, right?

16 A Mm-hmm.

17 Q Yes? And then the deli. This is what
18 I'm doing. I'm just focusing on the places you
19 went before the police stopped you.

20 A I went from Port Jeff, and I stopped
21 somewhere with Larry before we went to M&A.

22 Q Where did you stop with Larry before
23 you went to the deli?

24 A I don't remember exactly the address.

25 Q Do you recall what town it was? In

1 LATOYA NEWKIRK

2 what hamlet? In other words, was it still in
3 Port Jeff? Was it in Wyandanch?

4 A No. We got to Wyandanch area.

5 Q Okay.

6 A And it was Wyandanch.

7 Q Do you know what block it was on?

8 A No.

9 Q All right.

10 A No.

11 Q Why did you go to the house?

12 A Me and Larry -- me and Larry stopped to
13 spend time together.

14 Q Okay. At the house?

15 A Yes.

16 Q In other words, when you say spend time
17 together, to have sex?

18 A Not exactly.

19 Q Okay. What do you mean by spend time
20 together?

21 A We -- we -- oh, my gosh. We did some
22 stuff sexually.

23 Q Was that inside the house?

24 A No.

25 Q Okay. In the car?

1 LATOYA NEWKIRK

2 A Yeah.

3 Q Okay. And -- but were you in a
4 driveway of the house? Were you in front of the
5 house?

6 A We were in the driveway. We pulled up
7 to someone's house and...

8 Q Okay. Did you know whose house it was?

9 A No.

10 Q Had you ever been to that house before?

11 A No. I told you, I don't hang out with
12 Larry that much. I never...

13 Q I understand that. That's why I'm
14 asking. Had you ever been to that house before?

15 A I don't know whose house it was.

16 Q Okay.

17 A That's why I don't remember the block
18 or anything.

19 Q I know you can't get inside Larry's
20 head, but let me just ask this question. Did
21 Larry know whose house it was?

22 MR. EGAN: Objection to the form
23 of the question.

24 A I'm going to assume yes.

25 Q Okay. When Larry -- when Larry went to

1 LATOYA NEWKIRK

2 the house and pulled in the driveway, did you
3 find it odd that he was pulling into the driveway
4 of a house that you had never been before?

5 A No. He was comfortable, so I just -- I
6 didn't ask him any questions. It was a friend or
7 people or something to that effect.

8 Q Did you think you were just pulling
9 into the driveway of the house that you didn't
10 know whose house it was and Larry didn't know
11 whose house it was, either?

12 A No.

13 Q Did you believe -- although you may not
14 have had any basis or source, did you believe
15 that Larry knew whose house it was?

16 A Yes.

17 Q And you don't remember what street it
18 was on?

19 A No.

20 Q Did you get out of the car at any point
21 when you were in the driveway of the house?

22 A No.

23 Q What time of day was this?

24 A It was right before we went to M&A. It
25 was early in the morning.

1 LATOYA NEWKIRK

2 Q Okay. Do you remember around what
3 time?

4 A It would have had to be maybe
5 10 o'clock. After 10. Somewhere between 10 and
6 10:30. Well, to be more specific, probably 10,
7 10:20.

8 Q When you pulled in the driveway, were
9 there any other cars in the driveway?

10 A Not directly in the driveway, no.

11 Q Where were there cars? When you say
12 not directly in the driveway, where were there
13 cars?

14 A On the street. Yeah. On the street.

15 Q What kind of house was it?

16 A What do you mean?

17 Q Was it a freestanding home? Was it an
18 apartment complex? Was it just, like, a regular
19 house?

20 A No. It was just a regular house.

21 Q Do you know what a cape house is? In
22 other words, a house with a slanted roof on it?

23 A I believe.

24 Q If not, it's okay. I'm just asking.

25 All right. Do you know high ranch house is?

1 LATOYA NEWKIRK

2 A Yes.

3 Q Was it a high ranch house?

4 A No. This house was small. It was very
5 humble looking.

6 Q If you know, was anybody home?

7 A Not sure. Don't think so.

8 Q Okay.

9 A I didn't -- I didn't see movement.

10 Q Okay. You pulled in the driveway
11 because you and Larry were going to engage in
12 some form of sex?

13 A We pulled into the driveway, actually,
14 just to -- we were catching up. I hadn't seen
15 him in a long time. Since I moved, as a matter
16 of fact. I believe I haven't even seen him --
17 like, that was probably the first time I saw him
18 since I moved.

19 Q Okay. What I'm getting at is before
20 you pulled in the driveway, did you communicates
21 with him or did he communicate with you in any
22 way -- even if it was nonverbal -- that you were
23 pulling into the driveway for the purpose of
24 engaging in some kind of sex?

25 MR. EGAN: Object to the form of

1 LATOYA NEWKIRK

2 the question.

3 A No.

4 Q So when you pulled into the driveway at
5 that point -- when you pulled in the driveway, it
6 wasn't specifically for you to engage in some
7 form of sex?

8 A No.

9 Q It was, as you said, to catch up.

10 A Yeah. I didn't -- I didn't want to
11 have him sit in front of my stepmom's house
12 because I didn't want my dad to get the wrong
13 idea because he's a guy sitting there or
14 whatever. I don't know. I just felt like it was
15 kind of disrespectful to just bring him there and
16 just even sit there. He didn't know my dad. My
17 dad didn't know him.

18 Q So instead, you decided that you wanted
19 to catch up, meaning you wanted to speak with him
20 about things in your life. Is that fair to say?
21 Catch up?

22 A Yeah.

23 Q And so you decided that the place that
24 you would do that would be to pull into the
25 driveway of this house.

1 LATOYA NEWKIRK

2 A I didn't decide that. He was driving.
3 I didn't decide anything.

4 Q Okay. All right. Did he say anything
5 before he pulled in the driveway? Did he say,
6 you know what, let me pull over? I'll stop in
7 this driveway? Anything at all?

8 A No.

9 Q Okay. You may not recall. Do you
10 remember -- when you said you went for breakfast
11 at the deli, did you buy breakfast? Or did you
12 go sit down at a table in the deli? Or did you
13 just buy breakfast?

14 A I bought breakfast, and I was bringing
15 it back to my stepmom's house.

16 Q Okay. Do you remember what you got?
17 Do you remember what you bought?

18 A I got a breakfast sandwich. Larry got
19 a breakfast sandwich, too, but they were
20 different.

21 Q Focusing on when you were in the
22 driveway. When you were in the car with Larry in
23 the driveway, did you use any drugs?

24 A No.

25 Q Did you smoke your marijuana?

1 LATOYA NEWKIRK

2 A No.

3 Q From the time you left the house in
4 Port Jefferson up to the point we're at -- which
5 is the driveway and this house in Wyandanch --
6 did you use any drugs?

7 A No.

8 Q Did you smoke any marijuana?

9 A No.

10 Q When you were in the car with Larry,
11 you said you engaged in some form of sexual
12 contact; correct?

13 A Yes.

14 Q Did that involve you removing any parts
15 of your clothing?

16 A No.

17 Q What were you wearing that day?

18 A Purple sweater, pink leggings that
19 had -- well the leggings had other colors on
20 them.

21 Q Okay.

22 A And -- yeah.

23 Q Do you recall what you had on your
24 feet?

25 A I might have had my -- I'm not a

1 LATOYA NEWKIRK

2 hundred percent sure right now.

3 Q That's okay. Do you know if you had
4 any form of socks on?

5 A I believe so.

6 Q Or stockings? Do you remember?

7 A Stockings, no. Not with leggings. I
8 believe I would have put socks on. Yeah.

9 Q Do you remember one way on the other
10 whether you did or did not have socks on?

11 Let me ask it this way. In other
12 words, is it something you probably did have on,
13 you just don't remember exactly what socks --

14 A Yeah. Depending on what my footwear
15 is, yes.

16 Q Okay. Again, the footwear, you don't
17 have --

18 A I don't remember.

19 Q But you did have footwear?

20 A Yes. Yes.

21 Q You mentioned you had a sweater.

22 A Yes.

23 Q Do you know if you had anything on
24 under the sweater?

25 A A bra.

1 LATOYA NEWKIRK

2 Q Okay. Did you have any type of jacket
3 or coat?

4 A Yes.

5 Q What type of jacket or coat did you
6 have on?

7 A I had on this oversized Eddie Bauer
8 coat.

9 Q Do you recall what it was made out of?

10 A Not sure. It had the stuff with the
11 feather insulation, I believe.

12 Q Meaning the down?

13 A Yeah.

14 Q Do you know if it was made out of
15 leather?

16 A No. It wasn't made out of leather.

17 Q Was it a -- I'll use, was it a winter
18 coat?

19 A Yes.

20 Q Do you remember what color it was?

21 A Black.

22 Q You said it had down like a down
23 interior. Was it puffy? Like was it soft, like,
24 if you pushed on it?

25 A Not -- it is, but I'm sure -- I'm not

1 LATOYA NEWKIRK

2 exactly sure how to describe it.

3 Q Okay. When you were in the driveway,
4 did you have the coat on?

5 A I do not remember. I don't -- I don't
6 remember if I had it on when I was in the car or
7 the driveway.

8 Q Did you have anything on your head?
9 Any type of head wear?

10 A No.

11 Q Where you wearing glasses at all?

12 A No.

13 Q Okay. Do you recall how Larry was
14 dressed?

15 A No.

16 Q You don't remember one way or the
17 other?

18 A No.

19 Q All right. Did you have underwear on?

20 A Yes.

21 Q Okay. Now when you were in the
22 driveway, did you remove any of Larry's -- any
23 portion of Larry's clothing?

24 A No.

25 Q So when you were in the driveway, when

1 LATOYA NEWKIRK

2 you said to me earlier that you engaged in some
3 form of sex, tell me what you did with Larry that
4 you answered in that fashion. What did you do?

5 A We had oral sex.

6 Q Okay. Did you perform oral sex on
7 Larry?

8 A Yes.

9 Q Okay. Did you unzip his pants? Did
10 you take his pants down? How did that happen?

11 A I didn't have to do either, or. I --
12 he had a waistband --

13 Q Okay.

14 A -- not a zipper.

15 Q Okay. So in some way you were able to
16 remove Larry's clothing. When I say that, move
17 it enough so that you could perform oral sex on
18 Larry; is that right?

19 A Yes.

20 Q Do you know if he had some form of
21 sweatpants on or something?

22 A I believe it was sweatpants. I was
23 trying to think of the name of those other pants,
24 but I do believe it's sweatpants because there's
25 a waist -- a band.

1 LATOYA NEWKIRK

2 Q Okay. Did Larry have underwear on?

3 A Yes.

4 Q Okay. Do you recall if Larry was
5 wearing a shirt? Or do you remember what type of
6 shirt he had on?

7 A No.

8 Q Do you know if he had any type of coat
9 on?

10 A I don't remember. He might have had a
11 coat on.

12 Q Okay. Lastly, do you know if Larry had
13 any head wear on? Any type of hat or anything?

14 A I don't believe he did. I don't ever
15 remember seeing him in a hat.

16 Q Before you performed oral sex on Larry,
17 did you kiss him?

18 A Yes.

19 Q Okay.

20 A I -- I believe I did.

21 Q Okay. Did Larry ever put his hands on
22 you in any way? Did he put his hand inside your
23 sweater?

24 A I don't recall.

25 Q Do you know if Larry ever put his hands

1 LATOYA NEWKIRK

2 inside your bra?

3 A I don't recall.

4 Q You don't recall one way or the other?

5 A No.

6 Q Okay. Do you have a recollection
7 whether you took you sweater off?

8 A I didn't take anything off. I didn't
9 take off any clothes.

10 Q But you don't recall if Larry put his
11 hand under your sweater or under your bra.

12 A I don't remember him touching me.

13 Q Okay.

14 A Yeah. I -- just, like, I'm not one
15 hundred percent sure.

16 Q Okay. Meaning you're saying you're not
17 sure if he did that or not?

18 A Yes.

19 Q Okay. Did Larry ever put his hands
20 inside your pants?

21 A No.

22 Q Okay. Just for clarification, you're
23 not sure if he put his hand inside -- under your
24 shirt or in your bra. You don't know if that
25 happened or not, but you have a distinct

1 LATOYA NEWKIRK

2 recollection that he did not put his hands inside
3 your pants.

4 A Yes.

5 Q Now when you performed oral sex on
6 Larry, did Larry ejaculate?

7 A Yes.

8 Q Did he ejaculate in your mouth?

9 A Yes.

10 Q When he did that, did any of his
11 ejaculate, if you know, get on any portion of
12 your clothing?

13 A No, it didn't.

14 Q Did it get on any portion of you body?
15 Did it get on your face? Did it get on your
16 chest? Anything like that?

17 A No.

18 Q When he ejaculated in your mouth, did
19 you swallow it?

20 A No.

21 Q Okay. As far as where the ejaculate
22 may have ended up, did it go on his body?

23 A No. I don't remember.

24 Q Okay. That's fine.

25 MR. EGAN: Let me give these

1 LATOYA NEWKIRK

2 tissues to Ms. Newkirk.

3 MR. MITCHELL: By the way,
4 Ms. Newkirk, if you want to take a
5 break at any time, you just let me
6 know.

7 THE WITNESS: No.

8 MR. EGAN: You want to take a
9 break?

10 THE WITNESS: No.

11 MR. MITCHELL: What time you got?

12 MR. EGAN: 10 after 12.

13 MR. MITCHELL: Off the record.

14 (A discussion was held off the
15 record.)

16 MR. MITCHELL: Back on the record.

17 Q After performing oral sex on Larry, did
18 you stay -- at that point in the driveway of the
19 house, for how long did you stay there after
20 that? In the driveway of the house.

21 A Maybe -- maybe, like, five minutes.

22 Q Okay. At that time, on that day --
23 March 16, 2017 -- if you know, did Larry still
24 live at the place in Farmingdale where you had
25 lived with him earlier?

1 LATOYA NEWKIRK

2 A Yes.

3 Q Okay. So if I'm -- forgive me, but
4 only because I think you told me, but I forgot.
5 Had you gone to the house where you parked in the
6 driveway before or after you had gone to the
7 deli?

8 A Before.

9 Q Okay. Then when you left from the
10 house, you went to the deli?

11 A Yes.

12 Q Okay. If I'm correct, again, neither
13 you nor Larry got out of the car when you were
14 there in the driveway of the house; is that
15 right?

16 A I don't believe we did.

17 Q If you know, did anybody from the house
18 ever come out to the car to speak with either you
19 or Larry?

20 A No.

21 Q From the time that you left the
22 driveway at the house, did you go straight to the
23 deli? Or did you stop anywhere between the house
24 and the deli?

25 A I went to the deli. Straight to the

1 LATOYA NEWKIRK

2 deli.

3 Q Okay. The clothing you were wearing
4 that day, do you still have that clothing?

5 A No. The sweater just got thrown out of
6 evidence, and I do still have the leggings.

7 Q Okay. Did you ever provide the
8 leggings to any law enforcement agency?

9 A No.

10 Q Did you ever give them your sweater?

11 A Yes.

12 Q Did you ever give them your bra?

13 A No.

14 Q Did you ever give them the coat that
15 you described to me?

16 A No.

17 Q Okay. Did they ever ask you for those
18 items? In other words, did they -- did any law
19 enforcement agency ever ask you for the leggings?
20 Do you recall if they ever asked you for those?

21 A I don't believe they did. I'd have
22 given them, so...

23 Q I understand that. Did they ever ask
24 you for your bra?

25 MR. EGAN: Objection to the form

1 LATOYA NEWKIRK

2 of the question. Brian, you want to
3 clarify what --

4 MR. MITCHELL: Well, any law
5 enforcement agency because I'm not up
6 to that yet.

7 Q Did any law enforcement agency ever
8 request that you give them you bra?

9 A No.

10 Q Did any law enforcement agency ever
11 request that you give them the coat you described
12 to me? The one with the down. The down --

13 A No.

14 Q -- winter coat.

15 If you know, you said that a law
16 enforcement agency did come into possession of
17 your sweater; is that right?

18 A Yes.

19 Q Okay. Did they specifically ask you to
20 provide them the sweater? Or did you say here's
21 the sweater I was wearing? You see the
22 distinction? Did you provide it to them?

23 A I don't --

24 MR. EGAN: Object to the form of
25 the question. You used the word they.

1 LATOYA NEWKIRK

2 Q Did you provide your sweater to a law
3 enforcement agency at some point? People from
4 law enforcement?

5 A I did. I just don't recall how it
6 happened.

7 Q Okay. Do you know if anybody from any
8 law enforcement agency -- whether it be a state
9 agency or the federal agency -- ever ask Larry to
10 provide any of the clothing to them that he was
11 wearing that day?

12 A No.

13 Q Okay. You indicated that you left from
14 the driveway and you went to the deli; is that
15 right? The driveway of that house.

16 A Yes.

17 Q And it was when you were coming out of
18 the deli that you were stopped by the police; is
19 that right?

20 A Yes.

21 Q When the police stopped you, if you
22 know, were they in a marked police car?

23 A Yes.

24 Q Did they put on lights to stop you? Or
25 a siren?

1 LATOYA NEWKIRK

2 A Yes.

3 Q Was it one or the other? Could you
4 tell me.

5 A I remember the lights.

6 Q When the police put the lights on, did
7 Larry say anything to you? Or did you say
8 anything to Larry?

9 A I think I said to him, like, your
10 brother's car is good, right.

11 Q Okay. In other words, you guys were
12 aware that the police were trying to stop you.
13 Or at least you were aware that the police were
14 behind you.

15 A Yeah. When he pulled over, I asked
16 him.

17 Q Okay. Did he say anything to you,
18 like, oh, darn it. The cops are behind me. Or
19 looks like I might get a ticket. Anything like
20 that?

21 A No. When we were...

22 Q Go ahead.

23 A When we were pulling out -- as I told
24 you, pulling out of the deli, the cops are right
25 there.

1 LATOYA NEWKIRK

2 Q Okay.

3 A And I said they're going to stop
4 whoever comes out of here next. And we were the
5 next ones out.

6 Q Okay. When you say the cops were right
7 there, you could see their car before they
8 stopped you?

9 A Yes. Two police cars.

10 Q There were two police cars?

11 A Yes.

12 Q Okay. They were both marked units?

13 A Yes.

14 Q Do you -- did you happen -- I know you
15 were stopped by one police car; correct?

16 A Yes.

17 Q When you were stopped by the one police
18 car, was it only that one police car?

19 A Yes.

20 Q Do you happen to know or did you happen
21 to observe anything about the other police car,
22 other than that it was a marked vehicle? Were
23 you able to see a number on that car at all?

24 A No.

25 Q Okay. Were you able to observe

1 LATOYA NEWKIRK

2 whether -- how many there were? How many police
3 officers might have been in that car?

4 A No.

5 Q Okay. So do you recall anything about
6 the police officers that were in the other car?
7 Not the one that stopped you.

8 A No.

9 Q Okay. When you say they were stopped
10 near the deli, were they parked in a parking lot
11 at all?

12 A No. Right outside of the parking lot.
13 They park on the street.

14 Q Okay. What was the name of the street
15 that the deli is on?

16 A It's on Straight Path, but the
17 exit/entrance that we took where the parking is,
18 is in the back. And that's -- that street is
19 called Jackson, I believe. Jackson Street.

20 Q And that's where the police cars would
21 have been?

22 A Yes.

23 Q Now you may not remember this, but when
24 you went into the deli, were the police cars
25 there?

1 LATOYA NEWKIRK

2 A I don't think they were.

3 Q Okay.

4 A I don't -- I don't remember. I don't
5 think that they were directly where they were
6 when we left, but they were in the area.

7 Q Okay.

8 A The deli is directly across the street
9 from the fire department. There's always cop
10 cars just right in the vicinity.

11 Q Okay. Do you know about how long you
12 were in the deli?

13 A Maybe -- maybe ten minutes, something
14 like that. I'm not exactly sure. I don't know.

15 Q Is it fair to say you were in there for
16 about the time it would take for you to order the
17 breakfast, have the breakfast made, and then pay
18 for your food?

19 A Yes.

20 Q Nothing unusual happened in the deli
21 other --

22 A No.

23 Q -- than that?

24 Okay. So when you came out of the
25 deli, you mentioned to me that you said to Larry

1 LATOYA NEWKIRK

2 those cops are going to stop the next people that
3 come out of here; is that right?

4 A Yes.

5 Q Why did you say that to him?

6 A Because that's what they do. They sit
7 there and wait for somebody to get in their
8 vehicle and move, and then they pull them over.

9 Q Okay. Have they ever done that to you?

10 A That specific day? No. I've seen them
11 do it to people while I was in the same parking
12 lot.

13 Q Okay. When was the last time before
14 the day -- before March 16, 2017, that you saw
15 that happen in that -- in relation to that
16 parking lot?

17 A I mean, I'm not exactly sure of dates.
18 It's just a regular thing. Everybody knows
19 that's what they're going to do. They're sitting
20 there waiting for you, in your face, looking at
21 you, and you're going to get pulled over as soon
22 as you pull out. There's nowhere else for you to
23 go but to go get pulled over.

24 Q Okay.

25 A It's just -- it's just something they

1 LATOYA NEWKIRK

2 do. It's regular. I don't remember a date
3 because it's just a regular, everyday occurrence.

4 Q Do you know if anybody has ever made a
5 complaint about that to either the precinct or to
6 internal affairs?

7 A Me, personally? I don't know.

8 Q Do you know if anybody did other than
9 you?

10 A I don't -- I don't know.

11 Q Okay. So now you say you got pulled
12 over by the police, and they had lights on. Do
13 you know if they had a siren on?

14 A I don't recall if there was a siren. I
15 think it was just the lights.

16 Q Okay. You said to Larry, your
17 brother's car is good, right? Something like
18 that?

19 A Yeah.

20 Q What did Larry say to you when you said
21 that?

22 A He said yeah, I don't understand, or
23 something to that effect.

24 Q Did there come a time where Larry
25 actually stopped his car and pulled his car over?

1 LATOYA NEWKIRK

2 A Yes.

3 Q All right. Did he have to pull to the
4 side? Or was he already sort of on the side of
5 the road?

6 A He -- actually, when the lights came
7 on, he had to pull to the side because he -- he
8 made a wrong turn. And that's why they pulled
9 him over on Arlington. When we first saw them,
10 they were right next to the street we already had
11 to be on. Instead of making a right, he made a
12 left, and that was when they turned the lights
13 on. That's why he had to pull over.

14 Q Okay. When you say he made a wrong
15 turn, did he make a turn that violated the
16 vehicle and traffic law? Like made a -- went
17 down a one-way --

18 A No.

19 Q -- street? Or something like that?

20 A No.

21 Q Just went in the wrong direction?

22 A The way that the deli is set up, yes.
23 When he leaves the back of it to get to my
24 stepmom's house, it's that street right there.
25 Just make a right.

1 LATOYA NEWKIRK

2 Q Okay.

3 A And I don't know. For whatever reason,
4 I guess -- I think -- I think I told him left as
5 I was looking down. I meant right. He made a
6 left.

7 Q Okay.

8 A And I look up and I'm, like, you gotta
9 turn around or whatever.

10 Q Okay.

11 A And I don't think he wanted to do a
12 U-turn right there. And it didn't even -- it
13 wasn't necessary to make a U-turn.

14 The way that the blocks were set up,
15 all he would have had to do was just turn right
16 there on Straight Path, turn up Arlington, which
17 is where you know, we got pulled over at, and he
18 could have easily made it back to where we were
19 going without even making a U-turn. Just go
20 around back there.

21 Q So he never actually turned around
22 before he got pulled over.

23 A No.

24 Q He took the route you mentioned to me,
25 which got him onto Arlington.

1 LATOYA NEWKIRK

2 A Yes.

3 Q And then you got pulled over.

4 A Yeah. He went -- he took the route
5 from Irving, went up Straight Path. Next block
6 is Arlington. He could have -- like I said,
7 could have just went up the other way. When I
8 said he turned, that turn was on Straight Path
9 because he had to turn on Straight Path to get to
10 Arlington.

11 Q Okay. Now when the police -- actually,
12 when the police pulled you over and Larry
13 actually brought the car to a stop, at that point
14 did the police get out of their vehicle?

15 A Yes.

16 Q Okay. Did either you or Larry get out
17 of your car at that point?

18 A No.

19 Q Okay. Did the police come up to the
20 car?

21 A Yes.

22 Q All right. Do you recall how many
23 police officers there were?

24 A Two.

25 Q All right. Did you come to learn that

1 LATOYA NEWKIRK

2 one of the police officers is an officer named
3 McCoy?

4 A Yes.

5 Q Did you come to learn that one of the
6 officer's names is Pav?

7 A Yes.

8 Q Okay. Before that time that we're at
9 right now where you're stopped on March 16 of
10 2017, had you ever met or known Officer McCoy
11 before that day?

12 A No. Not to my knowledge.

13 Q Okay. And had you ever met or known
14 Officer Pav on that day?

15 A Not to my knowledge.

16 Q So it's fair to say when they did
17 approach the car, you didn't know who either one
18 of them were?

19 A Yes. That's fair to say.

20 Q You've come to learn what their names
21 are.

22 A Yes.

23 Q Okay. What I'm going to do from this
24 point forward in the deposition, I'm going to
25 refer to the person that you've come to learn as

1 LATOYA NEWKIRK

2 Officer McCoy as Officer McCoy. Okay?

3 A Yes.

4 Q And I'll refer to the person you've
5 come to learn as Officer Pav as Officer Pav.
6 Okay?

7 A Yes.

8 Q All right. You mentioned that they
9 both got out of their car. Did either come and
10 approach the car in some way?

11 A Yes. Officer McCoy came to my side.
12 Officer Pav went to Larry's side.

13 Q All right. Was your window up or down?

14 A My window was up.

15 Q If you know, was Larry's window up or
16 down?

17 A I believe his was up, too.

18 Q When Larry stopped -- pulled the car
19 over, did he turn the car off?

20 A I think they told him to turn the car
21 off.

22 Q Okay. Again, do you believe Larry's
23 window was up when they told him to turn the car
24 off?

25 A He might have rolled it down when he

1 LATOYA NEWKIRK

2 saw Officer Pav approaching.

3 Q Okay. The officer that approached your
4 side was Officer McCoy?

5 A Yes.

6 Q And the officer that approached the
7 driver's side was Officer Pav?

8 A Yes.

9 Q Okay. Do you have a recollection --
10 focusing on Pav, do you have a recollection of
11 what Pav said to either Mr. Abiola or to yourself
12 at that point?

13 A No.

14 Q Okay. Do you know if he spoke at all?

15 A Yeah, he spoke. He spoke to Larry.

16 Q You just don't remember that the words
17 were.

18 A No, because McCoy was talking to me.

19 Q Can you tell me what it was that McCoy
20 said to you and what you said to McCoy?

21 A He asked me for identification, and I
22 gave it to him.

23 Q Okay. Was your window down at this
24 point?

25 A I rolled it down when I seen him

1 LATOYA NEWKIRK

2 approaching my side.

3 Q Now when you say you rolled it down,
4 did you use the button? Is it an automatic
5 window?

6 A Yes.

7 Q Okay. If you know -- you may not --
8 was the car running at the time when you put the
9 window down?

10 A I don't believe it was.

11 Q Okay. So then Officer McCoy -- go
12 ahead. You were going to say something?

13 A I'm not one hundred percent sure. I
14 know all this stuff is changing within a few
15 seconds. If I see a cop approaching my window
16 and he's obviously going to talk to me, I'm going
17 to roll the window down. You know what I mean?
18 I'm not exactly sure. Whether the car was off or
19 on within the first, I think, 60 seconds, I think
20 you can still roll the windows up or down.

21 Q Yeah. They still go up.

22 A So I don't know exactly, but I do feel
23 like Officer Pav told him to cut the engine.

24 Q Okay. Tell me, when Officer McCoy came
25 to your side, do you recall whether he spoke to

1 LATOYA NEWKIRK

2 you first? Or you spoke to him first?

3 A He spoke to me first.

4 Q Do you recall what he said to you?

5 A He asked for my ID.

6 Q Okay. When he said that to you, what
7 did you do?

8 A I reached in my bag and gave him my ID.

9 Q All right. When you say you gave him
10 your ID, what did you give to him?

11 A I give him a benefit card. I gave
12 him -- because it had a picture on it, and I
13 don't know where my driver's license was at the
14 time. I don't know.

15 Q Okay.

16 A I might have left it at home. It might
17 have been broken or lost or something. I don't
18 know, but I just gave him what I had.

19 Q All right. What you had, you said, was
20 a benefit card?

21 A Yes.

22 Q And did you have any other form of
23 identification?

24 A I don't -- I don't think so.

25 Q Okay. When you gave it to him, did you

1 LATOYA NEWKIRK

2 give him -- was the card originally in a wallet
3 or something? Or your purse in some fashion?

4 A Yes, I believe so.

5 Q And was it in a wallet? Was it in
6 something where you slide it into? Or was it
7 just in your purse?

8 A It would have been in my wallet.

9 Q Okay. Do you know if you took it out?
10 Wherever it was, did you take it out and just
11 give McCoy only the card?

12 A Yes. I only gave him my identification
13 or something that identified me.

14 Q All right. Did he take it from you?

15 A Yes.

16 Q All right. Other than that, did you
17 have any further conversation with McCoy while he
18 was at the window of the passenger side of the
19 car?

20 A At that moment?

21 Q At that moment.

22 A No.

23 Q Okay. You mentioned to me that
24 Officer Pav was over on the driver's side. Do
25 you have any recollection at that moment of what

1 LATOYA NEWKIRK

2 Officer Pav was saying to Larry or what Larry was
3 saying to Officer Pav, if at all?

4 A I remember him asking for his license
5 and registration because I saw Larry reaching
6 around for it. Like I said, it was his brother's
7 car, so he was, like, really looking for it. He
8 didn't seem to know exactly where it was, but I
9 know he eventually got it. I think he asked him
10 why he was stopped, and I don't remember the
11 response.

12 Q Okay. Was that happening about the
13 same time that you were giving your
14 identification to Officer McCoy?

15 A Yes.

16 Q Okay. After you gave the
17 identification to Officer McCoy, what happened
18 then?

19 A He ran my name and everything, and he
20 came back to the car and told me that I have
21 warrants and to step out of the car.

22 Q Okay. Let me stop you one second.
23 When you say he ran your information, did he go
24 back to the police car to do that?

25 A Yes.

1 LATOYA NEWKIRK

2 Q Okay. You may know, you may not. When
3 Officer McCoy went back to the police car to run
4 your information, do you know what Officer Pav
5 was doing?

6 A I don't know. I thought that -- I
7 thought he was doing the same thing with Larry,
8 but I'm not -- I'm not sure.

9 Q Okay. In other words, you're not sure
10 if Pav went back to the car or if he remained up
11 by Larry, one way or the other.

12 A No. I remember at a point he did go
13 back to the car, but obviously they couldn't both
14 be running at the same time unless they have two
15 computers in there. So I don't know exactly what
16 he was doing, but I do remember him leaving back
17 to his car.

18 Q Okay. Was there ever a time that we're
19 talking about right now that you were there with
20 Larry but the police -- neither of the police
21 officers were there? In other words, maybe they
22 went back to their car. Where you were with
23 Larry just by yourselves.

24 A Yes.

25 Q During that period of time, did you

1 LATOYA NEWKIRK

2 have any conversation with Larry?

3 A Larry said that he didn't know what
4 they pulled him over for.

5 Q Okay. Did you say anything to Larry?

6 A I just agreed with him. I was, like,
7 I -- I don't know, like...

8 Q Okay. At the time, did you have
9 marijuana in your purse?

10 A Yes.

11 Q Did you say anything to Larry at that
12 time about having marijuana in your purse?

13 A No.

14 Q You didn't say anything at all?

15 A No.

16 Q Okay. Did there come a time that McCoy
17 came back to your side of the window?

18 A Yes.

19 Q That's when he mentioned to you that
20 you had warrants?

21 A Yes.

22 Q If you know, when McCoy came back to
23 your side of the window and told you that you had
24 warrants, do you know what Officer Pav was doing?

25 A I remember -- I think Officer Pav came

1 LATOYA NEWKIRK

2 from around the car towards my side at that time.

3 Q Do you know if Officer Pav went from
4 the police car to your side? Or whether he had
5 gone back to where Larry was before coming to
6 your side?

7 A I believe he went to Larry's side and
8 then over to where I was.

9 Q Okay. When he went back to Larry's
10 side, do you have any recollection one way or the
11 other what, if anything, Officer Pav said to
12 Larry or what, if anything, Larry said to
13 Officer Pav?

14 A Officer Pav told Larry that he was good
15 to go at one point.

16 Q Was that before he came around to your
17 side as you described?

18 A Yes.

19 Q Okay. And then Pav came around to
20 where you were and where McCoy was?

21 A Yes.

22 Q Were you still seated in the vehicle?

23 A No.

24 Q Did there come a time that you got out
25 of the car?

1 LATOYA NEWKIRK

2 A Yes.

3 Q When did you get out of the car?

4 A When Officer McCoy asked me to.

5 Q Okay. And when was it that he asked
6 you to get out of the car?

7 A When he came back to the car and told
8 me that I have warrants. And he asked me to step
9 out of the car.

10 Q Okay. When he told you that you had
11 warrants, you were still in the car when he told
12 you?

13 A Yes. I believe -- I believe I was
14 still in the car.

15 Q Okay. Did you say anything to him when
16 he told you that you had warrants?

17 A Yes. I was confused. I told him, you
18 know, that can't be possible. I don't have
19 anything going on with court.

20 Q Okay.

21 A You know, and I had a -- I don't
22 remember exactly what kind of paper it was, but I
23 had something in my purse where I'm like, no,
24 look. I can't have warrants. I was just at
25 court the other day, blah, blah, blah. Or

1 LATOYA NEWKIRK

2 something to that effect.

3 Q Okay. Did you have retrieve something
4 from your purse?

5 A Yes.

6 Q This paper? And it was your belief
7 that the paper, in some way, would indicate to
8 Officer McCoy that you didn't have warrants?

9 A Yes. I thought that it was a mistake.
10 Maybe they didn't update the system or maybe
11 the -- I didn't know.

12 Q Did you know what the piece of paper
13 was?

14 A It was -- I think it was something I
15 got from the window at the courthouse because I
16 thought I had -- I thought I had, like, fees and
17 maybe the fees didn't go through. They might
18 have been, like, warrants. So I tried to show
19 them no, you know. I paid my fees. It was
20 something to that effect.

21 Q Do you still have the piece of paper?

22 A No.

23 Q Do you --

24 A I --

25 Q Go ahead.

1 LATOYA NEWKIRK

2 A I don't think I have it. I'm not sure.

3 I'm not even exactly one hundred percent sure

4 which one it was.

5 Q I understand, but it was a piece of

6 paper from your pocketbook.

7 A Yes. Yes.

8 Q Okay. If you know, did you put the

9 piece of paper back in your pocketbook before you

10 left from that location?

11 A Yes.

12 Q Okay.

13 MR. MITCHELL: We don't really

14 leave a blank here, but what I will

15 say, I'll ask counsel that if you still

16 have the piece of paper, to retain it

17 because I'm going to ask your lawyers

18 to ask you to give it to them to give

19 to me. Okay?

20 THE WITNESS: All right.

21 Q When you showed the piece of paper to

22 Officer McCoy, did you know where Officer Pav was

23 at that time?

24 A Not exactly. I know that when I was

25 showing him the paper, that he was already done

1 LATOYA NEWKIRK

2 with Larry. I just don't know his exact position
3 around the car.

4 Q Okay. When you showed the piece of
5 paper to Officer McCoy, were you out of the car
6 at the time?

7 A No.

8 Q Okay. So in other words, Officer -- go
9 ahead.

10 A My -- because I'm trying to remember
11 exactly. My door was open. I think it was at
12 the moment I was -- I might have been getting out
13 of the car when I showed him that.

14 Like I said, I was in the car when he
15 told me that I had warrants, and I was, like, no.
16 That can't be it. I have a paper saying -- and
17 I'm reaching into my bag. So yeah -- but I --
18 the car door was open at that point in
19 anticipation for me to get out.

20 Q Okay. Do you know if Officer McCoy
21 opened the door? Or if you had opened the door?
22 Or did someone else open the door?

23 A I think I opened it.

24 Q Okay. Where was your purse at the
25 time?

1 LATOYA NEWKIRK

2 A On the -- when they first pulled us
3 over, my purse was in the back seat, and when I
4 was asked for my identification, I pulled it up.
5 And it was sitting in between my feet on the
6 floor.

7 Q Okay. When it was in the back seat,
8 did you retrieve it by reaching over and getting
9 it?

10 A Yeah. Reach in the back and grab it.

11 Q Let the record reflect the witness made
12 a turn to her left, made a reaching motion behind
13 her.

14 As opposed to getting out of the car,
15 opening up the back door, and taking it out, you
16 just reached around as you described.

17 A Yes.

18 Q When you got out of the car, you said
19 you got out of the car, you had the piece of
20 paper you thought indicated that you didn't have
21 a warrant. What happened at that point?

22 A I think he -- I'm not one hundred
23 percent sure, but I found out that that paper
24 wasn't -- it wasn't -- it didn't have anything to
25 do with what they said I had warrants for.

1 LATOYA NEWKIRK

2 Q Okay. Who told you that it didn't have
3 anything do with what you had warrants for?

4 A Officer McCoy.

5 Q In other words, you showed him the
6 piece of paper. You thought it may indicate that
7 you don't have warrants, and then McCoy -- in
8 some way -- told you no, this doesn't indicate
9 that you don't have warrants.

10 A Yeah. He said the system says that I
11 have warrants, and I think -- I forgot. He said
12 it looks like it's been there for a while.

13 Q Okay. Did he say anything about what
14 the paper was? Did he say no, sorry, this is,
15 and tell you what it was?

16 A No.

17 Q Okay. What happened after that? After
18 he told you that the paper did not indicate
19 anything about your warrants. What happened
20 then?

21 A I got out of the car. Officer --
22 Officer Pav reached into the car and took my bag.
23 My purse.

24 Q Okay. Where were you when Officer Pav
25 reached into the car and took your purse?

1 LATOYA NEWKIRK

2 A I was right by the door.

3 Q Of Larry's car?

4 A Yes. I was right by the door on the
5 side that I had gotten out of. I just stepped
6 right to the side. Officer McCoy is in front of
7 me. Officer Pav came and reached in, grabbed my
8 purse, and I said -- I let him know that I didn't
9 give him permission to -- to search my purse or
10 even to go into the car.

11 Q Okay. Now at that point, was your back
12 to the car?

13 A Yes.

14 Q Would it be fair to say that your back
15 was to the part of the car that we'll call the
16 rear passenger door? In other words, the
17 passenger door is where -- you were in the
18 passenger seat in the front, right?

19 A Yes.

20 Q And you open the door.

21 A It's generally in that area.

22 Q The area meaning just immediately --

23 A What you just said.

24 Q -- to the back?

25 A Yeah. The rear passenger door.

1 LATOYA NEWKIRK

2 Q Okay. And you had your back towards
3 that part of the car.

4 A Yes.

5 Q And McCoy would have been standing in
6 front of you, facing the car.

7 A Yes.

8 Q And the Pav -- at some point -- went
9 into the passenger -- front passenger area where
10 you had been and retrieved your bag.

11 A Yes.

12 Q Okay. After he retrieved your bag,
13 where did he go? Where did Officer Pav go?

14 A I am -- I don't recall if it was the
15 hood of Larry's car or the hood of the police
16 car, but he put it on the hood. I don't remember
17 if I wrote that or not, but he put it on the hood
18 of one of the cars, and he went through my bag.

19 Q Okay. When that was occurring, where
20 were you?

21 A I was still in the same place. Right
22 before he got to where he was going, as I was
23 objecting, Officer McCoy put cuffs on me because
24 he didn't want me to -- quote, unquote -- try to
25 stop Pav from searching.

1 LATOYA NEWKIRK

2 Q Okay. Do you remember the exact words
3 that you said to Pav that were in objection?

4 A Yes. I told him that I didn't give him
5 permission to check my bag, and he's not supposed
6 to be in the car, and that that's illegal.

7 Q Did he -- did Officer Pav say anything
8 back to you when you said that?

9 A Yes, he said --

10 Q What did he say?

11 A He said that I'm going to the precinct,
12 and since I'm going to the precinct, all my stuff
13 has to go with me.

14 Q Okay. Did he say anything else to you?

15 A No. I told him I didn't want my -- I
16 told him I wanted my stuff left over there. He's
17 like, no, this is yours. It's coming.

18 Q Okay. At that time, were you aware
19 that there was marijuana in your bag?

20 A Yeah.

21 Q At that point in time did Mr. Abiola
22 say anything that you recall, one way or the
23 other?

24 A He said that that's messed up.

25 Q In other words, referring to

1 LATOYA NEWKIRK

2 Officer Pav taking your bag?

3 A Yeah.

4 Q Did he -- if you know, when he said
5 that's messed up, you were at that spot outside
6 the car where you described?

7 A Yes.

8 Q Do you know if Mr. Abiola was saying
9 that to anybody in particular? Or was he just
10 saying it out loud? That's messed up.

11 A He was saying -- he was saying it to
12 me.

13 Q Okay. At that point in time, was McCoy
14 still standing in front of you?

15 A At what exact time?

16 Q When Mr. Abiola said that's messed up.

17 A Yes.

18 Q Had you been handcuffed yet at that
19 point?

20 A Yes. I got handcuffed as soon as I
21 started objecting to what Officer Pav was doing.

22 Q Okay. Before you got handcuffed, did
23 Mr. Abiola say anything one way or the other that
24 you recall?

25 A Before?

1 LATOYA NEWKIRK

2 Q Yes.

3 A No.

4 Q When Officer McCoy told you that you
5 had warrants, did you say anything to Mr. Abiola
6 about what Officer McCoy said? Did you turn and
7 say they say I have warrants, or anything like
8 that?

9 A No.

10 Q Okay. You mentioned that Officer Pav
11 took your bag to you believe it was the hood of
12 the police or the hood of Larry's car. You're
13 not sure.

14 A I don't recall right now exactly.

15 Q At the point when you said something to
16 Pav about taking your bag -- the phrase you use
17 is that you objected -- Officer McCoy handcuffed
18 you at that point?

19 A Yes.

20 Q All right. Did he speak words to you
21 when he handcuffed you? Officer McCoy.

22 A Yes.

23 Q What did he say to you?

24 A He -- he said that he was cuffing me
25 because he didn't want me interfering with what

1 LATOYA NEWKIRK

2 Officer Pav was doing.

3 Q Okay. Do you remember, is that the
4 words he used?

5 A I don't remember if it was the exact
6 words.

7 Q Okay. When he said it to you, can you
8 tell me what his demeanor was, what his tone was
9 when he said that to you. Was he angry? Was he
10 instructive?

11 A He wasn't -- he went angry when he said
12 that. I wasn't being angry with him, so I think
13 that that is why he wasn't angry. He didn't --
14 he didn't have a certain tone or anything.

15 Q Did he ask you to turn around to
16 handcuff you?

17 A Yes.

18 Q Did you turn around when he asked you
19 to?

20 A Yes. I didn't have to turn much
21 because he moved toward -- like I said, my back
22 is against the car. He moved toward the side of
23 me, and he was just, like, grab my arm. He says
24 turn around, and he just -- he put the cuffs on.

25 Q When he put the cuffs on you, did you

1 LATOYA NEWKIRK

2 just put your hands behind your back? In other
3 words, did you pull your arm forward or anything?
4 Of you just let him put the cuffs on you?

5 A No. I just let him put the handcuffs
6 on.

7 Q Okay. At that point, you're still up
8 by Larry's car on the passenger side, but by the
9 rear passenger door.

10 A Yes.

11 Q And if you know, when Officer Pav put
12 the handcuffs on you, did he lock them in any
13 way? You may not -- did he seem to take some
14 time when he put them on? Do you have any
15 recollection of him locking them with a key at
16 all?

17 A I have no clue what he was doing back
18 there.

19 Q But in any event, you wound up with
20 having handcuffs where you --

21 A Yes.

22 Q -- were cuffed behind your back.

23 A Excuse me. Yes.

24 Q Tell me what happened after you had the
25 handcuffs put on.

1 LATOYA NEWKIRK

2 A I -- Officer Pav was searching my bag,
3 still look through it and everything. While he
4 was doing that, Officer McCoy searched me.

5 Q Where were you when Officer McCoy
6 searched you?

7 A I was still in the same spot. He
8 was...

9 Q In other words, by Larry's car?

10 A Yes. He -- when it -- when the search
11 first started, I was -- excuse me. I was by
12 Larry's car. I don't remember at exactly which
13 point, but Larry left. They told him he was good
14 to go. Nothing was wrong. They didn't give him
15 a ticket or anything. Just leave.

16 Q Okay. Do you believe that Larry left
17 before Officer McCoy searched you?

18 A I think Larry left at the time the
19 search started.

20 Q When the search started, you were by
21 Larry's car?

22 A Yes.

23 Q So Larry would have driven away --

24 A Mm-hmm.

25 Q -- and then you would have been

1 LATOYA NEWKIRK

2 standing in the area where Larry's car was; am I
3 right?

4 A Mm-hmm.

5 Q Yes?

6 A They --

7 Q You have to say yes or no to my
8 question.

9 A I'm sorry.

10 Q That's okay.

11 A I'm not one hundred percent sure
12 exactly. I know there was a point where
13 Officer McCoy pulled me over. I'm not exactly
14 sure -- this all happened within a span of maybe
15 a minute, and, you know, with Larry leaving and
16 me moving over to the next car. So, I mean, to
17 the -- excuse me. To the police car. So I'm not
18 exactly sure.

19 Q I'm just asking about -- you mentioned
20 that you got handcuffed, and when you were
21 handcuffed, you were near Larry's car. In that
22 area by the rear passenger door, right?

23 A Yes.

24 Q Okay. And you said that you started to
25 get searched at that point.

1 LATOYA NEWKIRK

2 A Yes.

3 Q And Larry's car was still there.

4 A Yes.

5 Q When you were -- when you started to
6 get searched, that was by Officer McCoy?

7 A Yes. Officer McCoy was the only person
8 that searched me.

9 Q Okay. At that point when you started
10 to get searched, can you tell me what
11 Officer McCoy did as part of that starting to
12 search you?

13 A I remember he checked my coat pockets.
14 I don't remember exactly how he searched me. I
15 remember my coat pockets, and I remember him
16 going into my bra.

17 Q Okay. This was when you were at the
18 area near Larry's car.

19 A I think Larry pulled off before he
20 touched under my bra, but Larry was still on the
21 block, as he had to make a U-turn to leave.

22 Q Okay. You mentioned you had -- that he
23 searched your coat pockets. Was that the black
24 down coat that you described?

25 A Yes.

1 LATOYA NEWKIRK

2 Q All right. So is it fair to say that
3 Larry left as Officer McCoy was starting to do
4 this first search?

5 A Yes.

6 Q Okay. Then you think -- or you say
7 that Larry made a U-turn.

8 A Yes, because where we were, he
9 originally was trying to get to my stepmom's
10 house, which would have been, you know, just to
11 go straight and then make that right. So now,
12 since I was getting arrested, he had no reason to
13 go in that direction anymore.

14 Q Okay.

15 A So he turned around to go home.

16 Q All right.

17 A Straight Path is a right-turn only
18 right there, so he sat there for quite a while
19 until he turned right.

20 Q When you say sat there, sat where?

21 A The corner of Arlington and Straight
22 Path.

23 Q Okay. So he left from the spot where
24 he got pulled over --

25 A Yes.

1 LATOYA NEWKIRK

2 Q -- made a U-turn, went to the corner of
3 Arlington and Straight Path.

4 A Yes.

5 Q And your recollection is he remained at
6 that spot for a little while.

7 A Yes.

8 Q Okay. Before he drove away from the
9 spot where he got pulled over, I think you said
10 to me at that point McCoy had only searched by
11 reaching in your pockets; is that correct?

12 A Yes. When he first pulled away, yes.
13 Just the pockets.

14 Q So when he pulled away, McCoy had not
15 searched your bra yet when he pulled away.

16 A I -- it's really hard to say exactly.
17 He could have been pulling away while, or he
18 could have been still right there. I'm not one
19 hundred percent exactly with the -- with Larry
20 pulling away.

21 Q Okay. Now you mentioned to me about
22 McCoy reaching into your pockets, and then you
23 said McCoy somehow searched your bra. Tell me
24 what McCoy did to search your bra.

25 A He told me to -- he told me, like, lift

1 LATOYA NEWKIRK

2 and shake out my bra, and I couldn't, obviously,
3 because I was in cuffs. And he said he'll do it.

4 Q Okay. Do you recall him actually
5 saying to you, okay, now lift and shake out your
6 bra?

7 A Yes.

8 Q And at the time, you were handcuffed
9 behind your back.

10 A Yes.

11 Q Okay. Did you say anything to him?
12 When he said to you, okay, lift and shake out
13 your bra when you were handcuffed behind your
14 back, did you respond to that in any way?

15 A I said I can't.

16 Q Okay. Do you remember exactly what you
17 said?

18 A I can't.

19 Q Then what did he say?

20 A He said that he would do it.

21 Q Okay. At this point you're still in
22 the -- although Larry's car left, you're still
23 where you were by the back passenger door of
24 Larry's car. In other words, you were still in
25 that same spot. I understand the car is not

1 LATOYA NEWKIRK

2 there anymore, but that's where you're still
3 standing; am I right?

4 A I'm to the -- I think at that point it
5 was -- I was closer to the -- I started off on
6 Larry's back end of his car, and I ended up on
7 the front end of the police car.

8 Q Okay.

9 A Front passenger.

10 Q The front passenger side of the police
11 car?

12 A Yes. Right in front of that door.

13 Q Okay. Now when you say the passenger
14 door, you mean the front passenger door of the
15 police car?

16 A Yes.

17 Q Okay. Now -- and then so in other
18 words, there would be the front passenger door of
19 the police car. Going towards the front of the
20 police car, the next would be the fender of --
21 the front fender of the police car, right?

22 A Yes.

23 Q Okay. Going back -- the next thing
24 going back would be the rear passenger door; am I
25 right?

1 LATOYA NEWKIRK

2 A Yes.

3 Q Then going back would be the rear
4 fender of the police car, right?

5 A Yes.

6 Q Okay. So the police -- where you're
7 saying that you were was near the front passenger
8 door of the police car. And somehow you had gone
9 from the point where you were where Larry's car
10 was when it was there, and I believe you
11 indicated that the officer searched your pockets
12 of your coat when you were near Larry's car. Am
13 I right?

14 A Yes.

15 Q Then Larry's car left. Am I right?

16 A Mm-hmm.

17 Q Then in some way, you were now back
18 towards where the police was. Is that correct?

19 A Yes. Well, he pulled me over there.

20 Q When you say he, who do you mean?

21 A Officer McCoy.

22 Q All right. So do you know, when you
23 say he pulled you, did he put his hands on your
24 arm? Your shoulder? How did you get -- when you
25 say pulled, what do you mean by that?

1 LATOYA NEWKIRK

2 A Like, grabbed my arm. My upper arm.

3 Q Let the record reflect the witness took
4 her right arm and reached over and grabbed the
5 back of the triceps area of her left arm.

6 And is it fair to say he took you from
7 the location by Larry's car and guided you back
8 to the location that you just described to me,
9 which was the front passenger area of the police
10 car; is that correct?

11 A Yeah. It was a few feet over.

12 Q By that time, Larry had turned and made
13 the U-turn?

14 A Yeah. To get to Straight Path, yes.

15 Q And you recall that he was still
16 waiting in some way by the corner of Arlington
17 and Straight Path; is that right?

18 A I remember I looked down the street,
19 and I saw him sitting there.

20 Q Okay.

21 A I don't think that he necessarily was
22 just lurking around, but like I said, you could
23 only make a right turn off of there, so he was
24 probably sitting there for a bit.

25 Q Okay. When you use the phrase a bit,

1 LATOYA NEWKIRK

2 can you give me an estimate of what you mean. Do
3 you mean several minutes? Several seconds?

4 A Probably a minute or two.

5 Q Okay. When you said you looked down,
6 what was the distance from where you were to
7 where the corner was where Larry's car was?
8 About how far was that?

9 A The house I got pulled over in front
10 of -- well, we were pulled over in front of -- is
11 the first house in Arlington. And there's a
12 business. I don't know distances, but it's,
13 like, a little, small barbershop.

14 Q Okay.

15 A And that was the only thing in between
16 the corner and where I got pulled over at.

17 Q Okay.

18 A The barbershop and -- yeah. It was --
19 I got pulled over, like, first house that's right
20 behind that barbershop. So you could easily look
21 in a mirror and see.

22 Q Okay. Is the barbershop on the same
23 side of the street that you got pulled over?

24 A Yes.

25 Q Where Larry made a U-turn. So Larry

1 LATOYA NEWKIRK

2 would now be on the other side of the street,
3 right?

4 A Yes.

5 Q Facing away from the direction that you
6 had been pulled over in, right?

7 A Yes.

8 Q On Larry's side of the street, was
9 there anything there that you recall? Any type
10 of store? Or any type of landmark?

11 A Yes. It was across the street from
12 Compare Foods. So the area that it was in, there
13 was no cars or anything parked on that side.

14 Q Okay. But on Larry's side where he was
15 on the corner, is there any business there? Or
16 any house?

17 A That's what I'm saying. Where he was
18 on the corner, there's a Compare Food there.
19 Like, it takes up from one side is one block, the
20 other side is the other block. So it takes up
21 that whole space.

22 Q Okay.

23 A So it was pretty big and open.

24 Q Okay. You mentioned to me that
25 Officer McCoy grabbed you by the arm -- as you

1 LATOYA NEWKIRK

2 said -- and brought you back to that point by the
3 police car where you were by the passenger -- the
4 front passenger door of the police car. And
5 you -- obviously you were handcuffed at that
6 time; correct?

7 A Yes.

8 Q At that time, do you recall where
9 Officer Pav was?

10 A At the time -- are you talking about
11 while he was searching at that time? Or --

12 Q No. Let me just clarify.

13 A Yes.

14 Q Earlier you said to me that McCoy
15 started to search you.

16 A Yes.

17 Q And you said that when he started to
18 search you, he reached -- he searched the pockets
19 of your coat, and then you said to me, then he
20 reached into your bra. And I think what you told
21 me is that when he searched the pockets of your
22 coat, that Larry's car was still there and you
23 were by Larry's car.

24 A Yes.

25 Q Then you said that Larry drove away and

1 LATOYA NEWKIRK

2 did a U-turn and that Officer McCoy brought you
3 back to an area by the police car where you were
4 by the front passenger door of the police car.
5 And I believe you indicated that that's when he
6 reached into your bra.

7 Is that correct? If I'm wrong, that
8 what I thought you said.

9 A No. Yes.

10 Q Okay. At that point when Officer McCoy
11 had you at the front passenger side of the police
12 car and you say that he reached into your bra,
13 where was Officer Pav?

14 A Officer Pav, at that point, had just
15 thrown my purse in the trunk and got into the
16 driver's seat.

17 Q Okay. When Officer Pav -- you say he
18 threw your purse into the trunk. Did he actually
19 go to the back of the police car to do that?

20 A Yes.

21 Q Did he open the trunk?

22 A Yes.

23 Q When he was doing that, where were you?

24 A In the same place with Officer McCoy in
25 front of me, searching me.

1 LATOYA NEWKIRK

2 Q Okay. You told me that you were in
3 front of Larry's car at one point during
4 Officer McCoy's search, and that then you moved
5 to the front passenger side of the police car.

6 A Mm-hmm.

7 Q So there are a couple place where you
8 were. So what I'm trying to find out is -- let
9 me do it this way.

10 When Officer McCoy started to search
11 you when you were near Larry's car -- by the back
12 passenger side of Larry's car -- when you said he
13 reached into your coat pockets, at that point,
14 where was Officer Pav?

15 A When he -- when Larry's car was still
16 there?

17 Q Yeah, and McCoy started to reach into
18 your pockets as you described.

19 A See, that's what I can't remember. I
20 can't remember which hood of the car he was on
21 when he was looking through my purse, but he was
22 looking through my purse.

23 Q Okay.

24 A I just don't remember if it was the
25 hood of the police car or if he threw it on top

1 LATOYA NEWKIRK

2 of Larry's car and start doing it. I feel -- I'm
3 not exactly sure which -- where he was.

4 Q Okay.

5 A I know what he was doing. I just don't
6 know where -- which car hood it was.

7 Q Okay.

8 A I don't know why I can't remember
9 exactly that.

10 Q When Officer Pav went and put your
11 purse in the trunk, were you by Larry's car at
12 that point? Or were you by the police car at
13 that point?

14 A When he put my purse in the trunk,
15 Larry was already driven away, and I was by the
16 police car.

17 Q Okay. So when he put your purse in the
18 trunk -- forgive me. So when Larry drove away,
19 Officer Pav was not seated in his police vehicle;
20 is that right?

21 A I don't believe he was.

22 Q Okay. Then you said Officer Pav put
23 your purse in the trunk. Do you have a distinct
24 recollection one way or the other where you were
25 when Officer Pav put your purse in the trunk?

1 LATOYA NEWKIRK

2 A I was -- I was on the side of the
3 police car. I believe I was still in the same
4 spot, making my way toward the back door that I
5 would have been getting placed in.

6 Q Okay. In other words, when Officer Pav
7 was putting your purse in the trunk, you were no
8 longer by the area where you were with Larry's
9 car. You were no longer up there where Larry's
10 car was.

11 A No.

12 Q You had already been walked back by
13 McCoy to the front passenger door of the police
14 car; is that right?

15 A Yes.

16 Q Then you said at the front passenger of
17 the police car, McCoy reached into your bra; is
18 that right?

19 A Yes.

20 Q Okay. Now you mentioned to me that
21 McCoy said to you I want you to pull out your bra
22 and shake your bra. You said to him I can't
23 because I'm handcuffed. And then what did he say
24 to you?

25 A He said that he would do it.

1 LATOYA NEWKIRK

2 Q Okay. Then what did McCoy do at that
3 point?

4 A He -- he -- he unzipped my jacket the
5 rest of the way. I think it was down most of the
6 way.

7 Q You mean the black jacket that you had
8 on that you were talking about?

9 A Yes. He put his hand up my sweater.
10 He went to into my bra, and he was there for a
11 while.

12 Q Okay. Now when you say put his hands
13 in your bra, did he reach up from underneath your
14 bra and put his hands in? Or did he come and
15 reach in from the top of your bra, down?

16 A He came from underneath, if I'm not
17 mistaken, because I remember it felt like he was
18 actually, you know, pretending to shake out my
19 bra.

20 Q Okay. Then did he put his hands on
21 your breasts?

22 A Yes. He touched my nipples. His hands
23 were cold. I jumped, and he giggled.

24 Q When he did that, where was
25 Officer Pav?

1 LATOYA NEWKIRK

2 A Officer Pav was in the car at that
3 point already.

4 Q So --

5 A The driver's seat.

6 Q Had Officer Pav already put your purse
7 in the trunk of the car? The police car.

8 A Yeah.

9 Q When Officer Pav put the purse in the
10 trunk of the police car, where were you?

11 A I was on the side of the police car.
12 On the passenger side.

13 Q Okay. So you had been moved back from
14 the spot where you were by Larry's car. You were
15 now back by the spot -- by the front passenger
16 door of the police car.

17 A No. I was just on the passenger side
18 of the car. I can't say exactly which door I was
19 in front of.

20 Q Okay. If I recall, earlier you told me
21 that Officer McCoy moved you from the back
22 passenger side of Larry's vehicle and moved you
23 back to -- and you described to me the front
24 passenger door of the police vehicle.

25 A Mm-hmm.

1 LATOYA NEWKIRK

2 Q Do you recall I asked you those
3 questions?

4 A Yes.

5 Q You told me that if you moved forward,
6 the next thing would be the front fender of the
7 police vehicle; correct?

8 A Yes.

9 Q All right. Then from the point where
10 you were, if you went backwards, the next thing
11 would be the rear passenger door of the police
12 car, right?

13 A Yes.

14 Q And then behind that would be the rear
15 fender of the police car, right?

16 A Yes.

17 Q Okay. When Officer McCoy put his hands
18 on your breasts as you described, you believe
19 that Officer Pav was inside the police vehicle?

20 A Yes. Yes.

21 Q When he put your purse in the trunk,
22 you think you had already been moved from the
23 area by Larry's car to the area by the police
24 car.

25 A Yes.

1 LATOYA NEWKIRK

2 Q Okay. Now after Officer McCoy -- well,
3 I should ask you, when Officer McCoy had his
4 hands under your shirt, it was a sweater;
5 correct?

6 A Yes.

7 Q Under your sweater. Do you recall
8 about how long he had his hands under your
9 sweater as you described?

10 A It felt like forever. Not exactly
11 sure.

12 Q I understand that. Okay. Can you give
13 me any type of estimate at all.

14 A Long enough to play with my nipples.
15 I'm not exactly sure.

16 Q And you said -- you said something when
17 he did that, am I right?

18 A I told him that his hands were cold.

19 Q Did he say anything back to you at that
20 point?

21 A I don't remember.

22 Q Okay. After he did that, tell me what
23 happened then.

24 A I ended up letting Officer Pav know --
25 because he -- when he searched my bag, he didn't

1 LATOYA NEWKIRK

2 find anything. I ended up letting him know he
3 missed it, and I didn't want him to walk into the
4 precinct with my stuff. I didn't know if it was
5 against the law. I didn't know if that would be
6 a whole new charge. I didn't know. So I let him
7 know you searched my bag and you missed it. This
8 is where it's at in my bag. He got it out of the
9 trunk.

10 Q This is still at the scene?

11 A Yes.

12 Q Okay.

13 A I didn't want him to pull off with it.
14 I didn't know if that was breaking a law.

15 Q Let me ask you. When you described for
16 me where you were -- when Officer McCoy searched
17 you as you described, when that occurred, were
18 you facing towards the police car?

19 A Can you repeat that, please.

20 Q Sure. You described for me where you
21 were when Officer McCoy searched you, as you
22 described when he put his hand under your sweater
23 as you described. At that point, were you facing
24 toward the police car?

25 A When he put his hands up my shirt?

1 LATOYA NEWKIRK

2 Q Yes.

3 A No.

4 Q In which direction were you facing?

5 A Back to the car. For the most part, my
6 back was to the car.

7 Q Okay. So your back was towards the
8 police car?

9 A Yes.

10 Q So immediately behind you would have
11 been the front passenger door of the police car.

12 A No.

13 Q Okay. Do you understand what I'm
14 talking about? Because I don't want you to be --

15 A I do understand.

16 Q I want the record to be clear.

17 A I do understand. Everything took place
18 on the passenger side of the vehicle, give or
19 take a few feet.

20 Q Right. I'm just asking which direction
21 were you facing.

22 A My back was directly to the passenger
23 side of the car.

24 Q Okay.

25 A So I was still facing -- well, it was a

1 LATOYA NEWKIRK

2 house right there.

3 Q I understand that. If you leaned back,
4 would your back come in contact with the police
5 car?

6 A Yes. It would come in contact. Yes.

7 Q All right. So Officer McCoy would be
8 looking towards the police car.

9 A Yes.

10 Q Am I correct?

11 A Yes.

12 Q And you were handcuffed behind your
13 back; am I right?

14 A Yes.

15 Q Okay. When Officer McCoy put his hands
16 under your sweater and did what you described, he
17 was facing you?

18 A Yes.

19 Q Okay. It would be fair to say that
20 Officer Pav was in the police car, and your back
21 was towards Officer Pav; is that right?

22 A At a certain angle. I don't remember
23 at which point, but the door that I was
24 getting -- that I was to get into was already
25 opened.

1 LATOYA NEWKIRK

2 Q I understand. I'm talking about when
3 Officer McCoy put his hands under your sweater
4 and did what you described to me. I'm just
5 trying to clarify. It seems to me that what
6 you're telling me is that your back was towards
7 the police car; is that correct?

8 A It wasn't -- it was toward the police
9 car.

10 Q And --

11 A And if I leaned back, my back would
12 have come in contact with the police car.

13 Q Okay.

14 A But like I said, back passenger door
15 open, the way that I was, I was in such a
16 position that it was a clear line to
17 Officer Pav's vision. If you could understand
18 what I'm saying, where he could see me from the
19 driver's seat. That's the kind of position that
20 I was in.

21 It wasn't directly next to the
22 passenger seat because then he would just be
23 seeing directly my back. No. That's not how it
24 happened. I was closer to the back passenger at
25 this point.

1 LATOYA NEWKIRK

2 Q When you say at this point, you mean
3 the point where you say that Officer McCoy put
4 his hands under your sweater?

5 A Yes.

6 Q Okay. So when you told me earlier that
7 you were by the passenger front door of the
8 police car when he searched your bra, you were
9 not, at that point? You were back by the rear
10 passenger door of the police car?

11 A I was on the passenger side of the
12 police car, and, like I said, give or take a few
13 feet. This is why I'm a little bit confused
14 about my placement, because we're talking about
15 within a few feet. I just know that I was on the
16 passenger side of the car of -- well, both cars,
17 during this whole ordeal.

18 Q Okay. You mentioned to me that the
19 rear passenger door of the police car was open;
20 am I right?

21 A Yes.

22 Q Okay. In relation to when you were at
23 the back of Larry's car when you said that
24 Officer McCoy started to search you to when you
25 got to the point where he put his hands under

1 LATOYA NEWKIRK

2 your sweater, at what point did the rear
3 passenger door of the police car get opened?

4 A I have no idea. I have no idea when it
5 got opened. I have no idea who opened it. I
6 have no idea.

7 Q You anticipated my next question, which
8 was do you know who opened that back door?

9 A No idea. I just don't recall. And I
10 don't feel -- I don't feel as though it was McCoy
11 because McCoy was busy.

12 Q Meaning he was searching you?

13 A Searching in quotes.

14 Q When you say that you don't feel it was
15 McCoy, do you believe -- based on your perception
16 at the time -- that it was Pav that opened the
17 rear passenger door?

18 A Yes.

19 Q Okay. Because you don't think it was
20 McCoy; am I right?

21 A Yes. McCoy never left from being in
22 front of me, so I don't think that it was
23 possible for it to have been him. For him to
24 even go and reach around to open the door, he's
25 right in front of me. Like, it's not something I

1 LATOYA NEWKIRK

2 could have missed. And like I said, besides, his
3 hands were busy.

4 Q Okay. When the door was opened,
5 regardless of who opened it, do you recall where
6 you were when the door was opened?

7 A No. I just recall, like, noticing that
8 the door is open.

9 Q Okay. Now going back to when Officer
10 McCoy actually put his hands under your sweater,
11 you believe at that time that Officer Pav was in
12 the driver's side of the car -- was in the
13 driver's seat of the car.

14 A Yes.

15 Q Okay. And regardless of where you
16 actually were, you believe that you were facing
17 away from the police car; am I correct?

18 A At an angle.

19 Q Okay.

20 A Yes.

21 Q When you say at an angle, if we use the
22 police car as a reference -- and I want you to --
23 and if you're standing on the passenger side of
24 the police car -- and I know you told me your
25 back's to the police car, but I think you're

1 LATOYA NEWKIRK

2 saying at an angle.

3 Would your angle be looking at an angle
4 where you would be looking more towards the back
5 of the police car? Or an angle where you would
6 be looking toward the front of the police car?
7 Do you understand my question?

8 A Yes. It was more towards the front.

9 Q Okay. When you -- at that time in that
10 position you described, were you -- if we focus
11 on the rear passenger door being open, were you
12 on the side of the rear passenger door towards
13 the back of the car? Or were you on the side of
14 the rear passenger door towards the front of the
15 car?

16 A I -- I feel like I was directly in
17 front of it. The door is open. I'm standing
18 right here. I don't understand if that's back or
19 the front.

20 Q That's okay. When you were standing in
21 the position where you were and you were -- and I
22 know you said your back was to the car, and I
23 appreciate you said it was at an angle.

24 In that position if you reached your
25 hand out to touch the open door, which hand would

1 LATOYA NEWKIRK

2 you use? Your left hand? Or your right hand?

3 A The left.

4 Q So you were -- fair to say -- on the
5 side of the open door -- the rear passenger door
6 is open, and you were on the side of it towards
7 the back of the car. That would be the side you
8 were on.

9 MR. EGAN: Objection to the form
10 of the question.

11 A Yeah. That doesn't sound --

12 Q Okay. Then I'll just withdraw it.

13 In any event the position where you
14 were standing, to touch that rear passenger door,
15 you would have to put out your left hand;
16 correct?

17 A Yes.

18 Q Let me ask it this way.

19 MR. EGAN: Objection to the form
20 of the question. You're -- the rear
21 passenger door?

22 MR. MITCHELL: The rear passenger
23 door. She's told me the rear passenger
24 door to the police vehicle was open.

25 Q Is that right?

1 LATOYA NEWKIRK

2 A Yes.

3 Q So I'm asking if she was to touch the
4 rear passenger door -- if you were going to go
5 out and touch it, would you touch it with your
6 right hand or your left? I think you said left.

7 A The left.

8 Q That would be consistent with being in
9 a position where your back is to the police car;
10 am I right?

11 A Mm-hmm.

12 Q You have to say yes or no.

13 A I'm sorry.

14 Q That's okay.

15 A Yes.

16 Q Okay. And the door is open, and if you
17 reached out with your left hand, that's where the
18 door was. If you had -- if you sat down, you
19 would wind up sitting back down into the rear
20 passenger seat of the car; is that fair to say?

21 A At the angle I was at, if I had just
22 sat directly in that position, I would have fell
23 and hit the back tire.

24 Q So at that point, the angle you're
25 describing was that your back is more --

1 LATOYA NEWKIRK

2 A It was like a 45-degree angle, if you
3 want to be specific.

4 Q Yeah. So then the way you were facing,
5 as you said earlier, was more towards the front
6 of the car --

7 A Yeah.

8 Q -- not towards the back, and you would
9 have been more towards -- looking towards the
10 open back passenger door; is that right?

11 A I'm not sure.

12 Q Okay.

13 A I'm not sure because I'm not sure if
14 I'm understanding what you're --

15 Q That's fine.

16 A -- describing.

17 Q That's fine. What you said to me is
18 that if you sat down, your behind would come on
19 the ground.

20 A Yes.

21 Q And your behind would come on the
22 ground towards the back of the car, towards the
23 back wheel.

24 A Yeah.

25 Q And so --

1 LATOYA NEWKIRK

2 A I wasn't sitting in such a way that --
3 like, the door's right here, and if I just sit,
4 I'm in the car. I wasn't sitting in that kind of
5 way.

6 Q Okay. If you did fall and your behind
7 came on the ground, you would be looking at the
8 open --

9 A Inside of the door. The open inside
10 rear of the door. Excuse me. I'm sorry.

11 Q That's fine. When you were standing --
12 I appreciate you didn't fall on your behind.
13 When you were standing, was there anything
14 between you and the inside of the rear passenger
15 door of the police vehicle?

16 A No. No, because it wouldn't have had
17 to have been anything in between.

18 Q At that point was Officer McCoy behind
19 you?

20 A No. Officer McCoy was in front of me.
21 At the angle I was at -- I wish I could draw a
22 picture. At the angle I was at, at the door, I'm
23 right here with the door --

24 Like I said, the door's open. I'm
25 right here. He wouldn't have to be in between

1 LATOYA NEWKIRK

2 the door. I wasn't that close --

3 Q Okay.

4 A -- to the inside panel of the door. I
5 feel like I'm not describing it.

6 Q No. I understand what you're saying.

7 A Okay.

8 Q In any event, Officer McCoy was in a
9 position where he was able to put his hands under
10 your sweater from in front of you.

11 A Yes.

12 Q Okay. At that point, you believe that
13 Officer Pav was in the driver's seat of the
14 police vehicle.

15 A Yes, he was.

16 Q All right. When that occurred, do you
17 recall where you were looking? When Officer
18 McCoy put his hands under your sweater, as you
19 described, do you recall in which direction you
20 were looking?

21 A I was looking at him.

22 Q At Officer McCoy?

23 A At Officer McCoy.

24 Q Okay. After Officer McCoy had his
25 hands under your sweater as you described, tell

1 LATOYA NEWKIRK

2 me what happened after that.

3 A Do you mean when he was done? Or
4 during?

5 Q Yes. After he was done.

6 A When he was done, he started zipping my
7 jacket back up, and I believe Officer Pav heard
8 the sound of that jacket zipping because it's
9 loud and it's big, and he said, oh, we could
10 search her at the precinct. Come on.

11 Q And what was -- when you said he said,
12 you mean Officer Pav said --

13 A Yes.

14 Q -- we could search her at the precinct?

15 A Yes. Officer Pav said that to
16 Officer McCoy as he was zipping up my coat.

17 Q Okay. When he said that, did
18 Officer McCoy say anything to Officer Pav?

19 A To him? No.

20 Q Okay. Did he say anything to you? Did
21 Officer McCoy say anything to you?

22 A He told me to get into the car.

23 Q All right. Did you get into the car?

24 A Yes.

25 Q Did he have to assist you to get in the

1 LATOYA NEWKIRK

2 car?

3 A No.

4 Q Okay. You were still handcuffed behind
5 your back?

6 A Yes.

7 Q Did he then close the door?

8 A Yes.

9 Q Did McCoy get in the -- excuse me. Did
10 he get in the front passenger seat? Or did he
11 remain in the rear of the passenger compartment
12 of the car?

13 A He got in the front passenger seat.

14 Q You may recall this, you may not. Did
15 Officer McCoy put a seatbelt on you when you were
16 in the back seat?

17 A I -- you know what? I don't recall. I
18 don't know.

19 MR. MITCHELL: Okay. What time
20 you got, Brian?

21 MR. EGAN: 20 after 1.

22 MR. MITCHELL: 20 after 1? We
23 were supposed to take a break. We'll
24 take a break, then.

25 (A recess was taken at 1:18 p.m.)

1 LATOYA NEWKIRK

2 (Defendant's Exhibits C, D, and E
3 were marked for identification.)

4 Q Ms. Newkirk, I think when we broke for
5 lunch, we were at a point where you were in
6 the -- you said you were put into the back seat
7 of the police car at the scene on March 16 of
8 2017. Does that refresh your memory?

9 A Yes.

10 Q When you -- were you taken from the
11 scene directly to the police station?

12 A Yes.

13 Q If you know, did the police station
14 that you arrived at, was it the First Precinct?

15 A Yes.

16 Q If you don't know, that's fine. Was it
17 a police station in Babylon? If you know.

18 A Yes.

19 Q On the way of the police station, did
20 you say anything to the officers at all?

21 A I -- I started to have an anxiety
22 attack. I asked them to roll down the window
23 because the wind helps. Yeah. And they rolled
24 the window down.

25 Q Did you say anything else?

